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## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 29th August, 1962:—

| Issue No. | No. and Date                        | Issued by                              | Subject  |
|-----------|-------------------------------------|--|--|
| 279       | S.O. 2666, dated 21st August, 1962. | Election Commission, India.            | Appointment of Assistant Returning Officer to assist the Returning Officer for the Chittoor Parliamentary Constituency in the State of Andhra Pradesh.   |
| 280       | S.O. 2667, dated 22nd August, 1962. | Ministry of Finance                    | Names of the members of the Life Insurance Corporation of India constituted by the Central Government.   |
| 281       | S.O. 2668, dated 27th August, 1962. | Ministry of Information & Broadcasting | Approval of film specified therein.  |
| 282       | S.O. 2669, dated 29th August, 1962. | Ministry of Railways                   | Appointment of Shri Krishna Saran Pandey as Claims Commissioner to deal with all claims for compensation arising out of the Railway accident involving 6 Down Amritsar Howrah Mail at Dumraon Station. |

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

**PART II—Section 3—Sub-section (II)**

**Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).**

**ELECTION COMMISSION, INDIA**

*New Delhi, the 16th August 1962*

**S.O. 2744.**—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his account of election expenses in the manner required

by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

## SCHEDULE

| Name and address of contesting candidate       | Serial No. and name of constituency |
|--|-------------------------------------|
| 1  | 2                                   |
| Shri Varghese E.P.,<br>Advocate,<br>Ernakulam. | 9-Mukundapuram.                     |

[No. KL-P/9/62(4)/60814]

*New Delhi, the 28th August 1962*

**S.O. 2745.**—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his account of election expenses within the time and in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

## SCHEDULE

| Name and address of contesting candidate   | Serial No. and name of constituency |
|--|-------------------------------------|
| 1  | 2                                   |
| Golla Venkateswarlu,<br>Kakarlapalli Post,<br>(Via) Kallur,<br>Madhira Taluk,<br>Khammam District. | 41-Khammam.                         |

[No. AP-HP/41/62(11)/61108.]

**S.O. 2746.**—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

## SCHEDULE

| Name of contesting candidate                  | Name of constituency |
|---|----------------------|
| 1   | 2                    |
| Shri Jodhrai,<br>Silyari,<br>District Raipur. | Baloda Bazar.        |

[No. MP-P/14/62(19).]

**S.O. 2747.**—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his account of election expenses in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

## SCHEDULE

| Name and address of contesting candidate                 | Serial No. and name of constituency |
|--|-------------------------------------|
| 1  | 2                                   |
| Shri Hari Ram<br>C/O Krishnakumar Agarwal,<br>Bhatapara. | 14 Baloda Bazar                     |

[No. MP-P/14/62(20).]

New Delhi, the 31st August 1962

**S.O. 2748.**—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

## SCHEDULE

| Name and address of contesting candidate                                     | Serial No. and name of constituency |
|--|-------------------------------------|
| 1  | 2                                   |
| Shri Damle Yeshavant Shripad,<br>Damle Galli, Khanapur,<br>District Belgaum. | 7. Kanara                           |

[No. MY-HP/7/62(8)/62174.]

**S.O. 2749.**—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule failed to lodge his account of election expenses in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

## SCHEDULE

| Name and address of contesting candidate                           | Serial No. and name of constituency |
|--|-------------------------------------|
| 1  | 2                                   |
| Shri Dhadeshwar Manjanath Shridhar,<br>Pleader, Shantikutir, Sirsi | 7. Kanara                           |

[No. MY-HP/7/62(9)/62178.]

By Order,  
K. S. RAJAGOPALAN, Under Secy.

*New Delhi, the 18th August 1962*

**S.O. 2750.**—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in the corresponding entry in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge any account of his election expenses and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

**SCHEDULE**

| Name and address of contesting candidate                                       | Serial No. and name of constituency |
|--|-------------------------------------|
| 1  | 2                                   |
| Shri Madan Mohan Singh,<br>Village Mirsapur,<br>P.O. Noawan,<br>District Gaya. | 43—Gaya                             |

[No. BR-P/43/62(39).]

**S.O. 2751.**—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule failed to lodge his account of election expenses in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

**SCHEDULE**

| Name and address of contesting candidate  | Serial No. and name of constituency |
|---|-------------------------------------|
| 1   | 2                                   |
| Shri K. Brijkishore Pd. Singh,<br>Village Bedaul,<br>P.O. Bedaul,<br>District Gaya. | 43—Gaya                             |

[No. BR-P/43/62(40).]

*New Delhi, the 28th August 1962*

**S.O. 2752.**—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his account of election expenses within the time required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

**SCHEDULE**

| Name and address of contesting candidate                                  | Serial No. and name of constituency |
|---|-------------------------------------|
| 1   | 2                                   |
| Shri Rameshwar Agnibhoj,<br>113, Malviya Nagar,<br>New Bhopal,<br>Bhopal. | Sasaram                             |

[No BR-P/39/62(42).]

**S.O. 2753.**—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his account of election expenses in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

## SCHEDULE

| Name and address of contesting candidate  | Serial No. and name of constituency |
|---|-------------------------------------|
| 1   | 2                                   |
| Shri Sahdeo Ram,<br>Village Shahpur,<br>P.O. Aurangabad<br>District Gaya,<br>Bihar. | Sasaram                             |

[No. BR-P/39/62(42).]

V. RAGHAVAN, Under Secy.

*New Delhi, the 27th August 1962*

**S.O. 2754.**—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, incurred by the person whose name and address are given below, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act:—

## SCHEDULE

| Name and address of the disqualified candidate              | Serial No. and name of constituency | Commission's notification No. and date under which disqualified |
|---|-------------------------------------|---|
| 1   | 2                                   | 3   |
| Shri Same Singh,<br>Village Dayalpur,<br>Tahsil Ballabgarh. | 8—Gurgaon.                          | PB-HP/8/62(7), dated the 9th June, 1962.                        |

[No. PB-HP/8/62(7-R)/60975.]

*New Delhi, the 28th August 1962*

**S.O. 2755.**—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column 1 of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his account of election expenses within the time required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

## SCHEDULE

| Name and address of contesting candidate   | Serial No. and name of constituency |
|--|-------------------------------------|
| 1  | 2                                   |
| Shri Hardayal Singh,<br>Madaiyan Gujran Hawa,<br>P.O. Khadhar,<br>District Shahjahanpur. | 69—Kaimganj.                        |

[No. UP-HP/69/62(64)/60937.]

*New Delhi, the 29th August 1962*

**S.O. 2756.**—In pursuance of sub-rule (5) of rule 89 of the Conduct of Elections Rules, 1961, the Election Commission hereby notifies the name of the person shown in column I of the Schedule below who having been a contesting candidate for election to the House of the People from the constituency specified in column 2 thereof, at the election held in 1962 has, in accordance with the decision given today by the Election Commission under sub-rule (4) of the said rule, failed to lodge his account of election expenses within the time and in the manner required by law and will accordingly become subject to the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, on the expiration of two months from the date of the said decision.

**SCHEDULE**

| Name and address of contesting candidate   | Serial No. and name of constituency |
|--|-------------------------------------|
| 1  | 2                                   |
| Shri Shiv Shankar Singh,<br>Village Munawarpur,<br>P.O. Bisdhan,<br>District Kanpur. | 68—Farrukhabad                      |

[No UP-HP/68/62(65)/61042.]

By Order,  
C. B. LAL, Under Secy.

*New Delhi, the 28th August 1962*

**S.O. 2757.**—Whereas the election of Shri Gurugobinda Basu as a member of the House of the People from the Burdwan Constituency of that House, has been called in question by an election petition duly presented under Part VI of the Representation of the People Act, 1951, by Shri Sankari Prasad Ghosal, Village and P.O. Bagila P. S. Memari, District Burdwan, West Bengal, and Shri Narayan Chandra Ghosh, Rash Behari Ghosh Road (South) Mahalla, P.S. and District Burdwan, West Bengal.

And whereas the Election Tribunal appointed by the Election Commission, in pursuance of the provisions of section 86 of the said Act, for the trial of the said election petition, has, in pursuance of the provisions contained in section 103 of the said Act, sent a copy of its Order in the said election petition to the Commission;

Now, therefore, in pursuance of the provisions of section 106 of the said Act, the Election Commission hereby publishes the said Order of the Tribunal.

**IN THE COURT OF THE MEMBER ELECTION TRIBUNAL, BANKURA**

**PRESENT:**

Sri S. K. Chakravarti, M.A., LL.B., District Judge, Bankura, Member, Election Tribunal.

The 11th day of August, 1962.

**ELECTION PETITION NO. 111 OF 1962**

(E. P. SUIT NO. 3 OF 1962)

1. Sankari Prasad Ghosal & 2. Narayan Chandra Ghosh—*Petitioners*,

*Versus*

1. Gurugobinda Basu & 2. Subiman Ghosh—*Respondents*.

This case coming on for final hearing on 6th August 1962 and 7th August, 1962, in the presence of Sri Asokananda Bosu, pleader for the Petitioners; Sri Gokul Behari Das, Pleader with Sri Bholanath Mukherjee, Pleader for the Respondent No. 1 and Sri Bireswar Ghosh, Pleader for the Respondent No. 2 and having stood for consideration to this day, the Court delivered the following judgment:—

This Election Petition has been referred to me for trial by the Election Commission by its order dated 17th May, 1962.

The facts giving rise to this application are as follows: An Election was held on 19th February 1962, 20th February 1962 and 22nd February 1962 for electing a member to the House of People, from No. 34, Burdwan Parliamentary Constituency (hereinafter referred to as the said Constituency). The Respondents Nos. 1 and 2 were the only two duly nominated candidates at the said Election. The result of the said Election was declared by the Returning Officer and the Respondent No. 1 was declared to have been elected as a member to the House of People from the aforesaid Constituency, he having polled 1,55,485 votes, and the Respondent No. 2 polling 1,23,015 numbers of votes. Thereafter on 10th April 1962 this Petition was received by the Election Commission from the present Petitioners by registered post. The present Petitioners were electors within the aforesaid Constituency. They have challenged the Election of the Respondent No. 1 on two main grounds: (1) That the Respondent No. 1 was a partner in the Firm of Messrs. G. Basu & Co. which was the Auditors of the Life Insurance Corporation of India (hereinafter referred to as the L.I.C.), of the Durgapur Projects Limited and the Hindustan Steel Limited and as such was holding an Office of Profit under the Government, and that the Respondent No. 1 was also a Director of the West Bengal Financial Corporation and as such holding an Office of Profit under the Government; (2) That he had obtained the services of Tarapada Pal and Rabindra Nath Bandopadhyay, persons in the service of Government, to further his own prospects in the Election.

The Petitioner, therefore, pray that the Election of the Respondent No. 1 may be declared to be void and the Respondent No. 2 may be declared as a duly elected member to the House of People.

The Respondent No. 1 filed Written Objections. He admitted that he was a partner in the Firm of Messrs. G. Basu & Co. which was the Auditors of the L.I.C., The Durgapur Projects Limited and also Hindustan Steel Limited and that he was also a Director of the West Bengal Financial Corporation. He, however, denies that these were Offices of Profit under the Government and that he had procured the assistance of any Government servant or that Tarapada Pal and Rabindra Nath Bandopadhyay were in the service of the Government.

The Respondent No. 2 also appeared, but did not file any Written Objections.

The following issues have been framed for trial in this case:

1. Was the Respondent No. 1 disqualified to be chosen to fill the seat under the Constitution or the Act 43 of 1951?
2. Was the Respondent No. 1 so disqualified for being a Partner in G. Basu & Co. which was one of the Auditors of the Life Insurance Corporation of India, the Durgapur Project Ltd., and the Hindustan Steel Ltd.?
3. Was the Respondent No. 1 so disqualified for being a Member of the Board of Directors of the West Bengal Financial Corporation?
4. Are Shri Tarapada Pal and Rabindra Nath Bandopadhyay persons in the service of the Government and do they belong to any of the classes mentioned in Sec. 123(7) of Act 43 of 1951? If so, did the Respondent No. 1 or his agent or any other person with the consent of the Respondent No. 1 or his Election Agent, obtain or procure any assistance from them for the furtherance of the prospects of the election of Respondent No. 1?
5. Is the election of Respondent No. 1 liable to be declared as void? If so, is the respondent No. 2 entitled to be declared as duly elected?

#### FINDINGS

Issue No. 2. I have already referred to the fact that it is an admitted position that the Respondent No. 1 is a partner in Messrs. G. Basu & Co. and that this Company is one of the Auditors of the L.I.C., the Hindustan Steel Limited and the Durgapur Projects Limited. It is well settled that if a Firm holds an office of profit under the Government, every member of it must be deemed to be holding also an office of profit under the Government (*vide* Indian Election Cases—Sen and Poddar, page 685). It is well settled that the L.I.C., is neither a department, nor an agent of the Government, nor a servant of the Government and that it has a separate existence and cannot be considered a part of the Union or State Government (14 E.L.R. 21). On the same principles, it must be held that neither the Durgapur Projects Limited, nor the Hindustan Steel Limited is a part of the Government of India or a department or an agent or servant of the Government.

It is also well settled that the word 'Office' does not necessarily imply that it must have an existence apart from the person who may hold it and that in order

that an office may be an 'office of profit' it is not necessary that the holder of the office should actually make a profit out of it. It is enough if the office is capable of yielding a profit, or in other words, is one from which the person holding it may reasonably be expected to make a profit out of it. The principal tests for deciding whether an office is under the Government are (1) what authority has the power to make an appointment to the office concerned, (2) what authority can take disciplinary action and remove or dismiss the holder of the Office? and (3) by whom and from what source is his remuneration paid? Of these, the first two are more important than the third one. It is not necessary that there must be a fixed pay attached to the office. If the holder of the office can charge any fee or remuneration for exercising the function of his office, he holds an office of profit. It cannot be assignable or heritable. There should be a relationship of master and servant between the Government on the one hand and the person holding the office on the other hand. It must also be for a specified period. The relationship of master and servant would be there, if the person holding the office has to follow the directions, if any, of the person appointing him and act according to the rules. The power of appointment and dismissal by the Government or control exercised by the Government is an important consideration which determines in favour of the person holding an office of profit under the Government but the fact that he is not paid from out of the State revenue is by itself a neutral factor. (13 E.L.R. 149 and 334; 15 E.L.R. 55).

I have now to find out whether, Judged by the principles referred to above, the Respondent No. 1 might be deemed to be holding an Office of Profit under the Government.

The Respondent No. 1 has admitted in paragraph 10A(i) of his Written Objections that the appointment of Auditors is made by the L.I.C. which is a Statutory Body, with the approval of the Central Government and the Auditors' remuneration is paid by the Corporation out of the Corporation funds. Section 25 of the Life Insurance Corporation Act 1956 would show that "The accounts of the Corporation shall be audited by auditors duly qualified to act as auditors of companies under the law for the time being in force relating to companies, and the auditors shall be appointed by the Corporation with the previous approval of the Central Government and shall receive such remuneration from the Corporation as the Central Government may fix. \* \* \* The auditors shall submit their report to the Corporation and shall also forward a copy of their report to the Central Government". It is clear, therefore, that the Auditors are under the control of the Central Government which has the power to appoint Auditors in effect. It is clear that if the Government does not approve of the name of the person, he cannot be appointed as Auditor. In that view of the matter, the Respondent No. 1 must be deemed to be holding an Office of Profit under the Government of India, being a Partner in the Firm of Messrs. G. Basu & Co., the Auditors of the L.I.C.

On behalf of the Respondent No. 1, reliance is placed on the decisions in 13 E.L.R. 149 and 14 E.L.R. 21. In both the cases, the person concerned was not holding an Office of Profit under the Government concerned, but under a body created by the Government concerned, or in other words, "A statutory corporate body intervened between the Government of India and the person holding the office of profit. In the present case, no such statutory body intervenes". (15 E.L.R. 55 at page 64). In the circumstances, the two decisions relied on by the Respondent No. 1 do not help his case at all. It is not the contention of the Petitioners that the Respondent No. 1 is an employee under the L.I.C., or Durgapur Projects Limited or Hindustan Steel Limited.

It is next contended on behalf of the Respondent No. 1 that the office of an Auditor is not an office at all. Reference in this connection is made to Section 2(30) of the Companies Act, 1956. Of course, for the purposes of that Act, the Office of Auditor would not be an Office under the Company whose accounts it audits. But it does not follow therefrom that it would not be an Office of Profit under the Constitution. It has been laid down in 13 E.L.R. 334 that the object of Articles 191 or 102 of the Constitution is "To secure independence of the members of the Legislature and to ensure that the Legislature does not contain persons, who have received favour or benefits from the executive and who, consequently, being under an obligation to the executive, might be amenable to its influence. Putting it differently, the provision appears to have been made in order to eliminate or reduce the risk of conflict between duty and self-interest amongst the member of the Legislature. This object must always be borne in mind \* \* \* That interpretation should be preferred, which will further and effectually carry out the object of the makers of the Constitution". Judged by



these principles, Auditors must be regarded as holding Offices, though not necessarily under the Company whose accounts they audit. It should be noted that in the case referred to above the person concerned was held to be holding an Office of Profit under the Government, though he was a Medical Practitioner under the Employees' State Insurance Corporation.

Now so far as the Durgapur Projects Limited and the Hindustan Steel Limited are concerned, the Respondent No. 1 is in a worse position. Ext. C1 is the Articles of Association of the Durgapur Projects Limited. Paragraphs 151-156 of these Articles would show that the Auditors shall be appointed or re-appointed by the Central Government on the advice of the Comptroller and Auditor-General of India and their remuneration, rights and duties shall be regulated by sections 224 to 233 of the Companies Act and the powers of the Comptroller and Auditor-General *vis-a-vis* the Auditors were also clearly defined and the Auditors were also entitled to attend any General Meeting of the Company and the audit report was to be placed before the Legislature. Similar provisions appear in the Articles of Association of Hindustan Steel Limited in paragraph 142-144 (Ext. C.). The respondent No. 1 has also admitted in his Written Objections that it is the Central Government who fix the remuneration of the Auditors for the Durgapur Projects Limited and the Hindustan Steel Limited and that these are Government Companies. It is clear that the Auditors are definitely under the control of the Government of India in so far as these two Companies are concerned, and Messrs. G. Basu & Co. must be deemed to be holding an Office of Profit under the Government of India, in view of what I have stated with regard to the L.I.C.

It is common ground that the Office of Auditors has not been declared by Parliament by law not to disqualify its holder. In the circumstances, under Article 102(1) of the Constitution the Respondent No. 1 is disqualified for being chosen as a member to the House of People. Issue No. 2 is answered in the affirmative.

#### Issue No. 3.

The Respondent No. 1 in his Written Objections has admitted that the West Bengal Financial Corporation is a Statutory Body having been incorporated under State Financial Corporation Act, 1961 and that he has been nominated by Government of West Bengal to be a member of the Board of Directors of the Corporation, and is paid remuneration for attending the Board and Committee meetings out of the funds of the Corporation. No doubt this Corporation is neither an Agent, nor a department, nor a servant of the Government of West Bengal. But still it is an Office of Profit under the Government of West Bengal. It is not the case of the Respondent No. 1 and no evidence has been adduced by him to show that the remuneration received by him in this respect amounts to "compensatory allowance" as defined in Section 2(a) of the Parliament (Prevention of Disqualification) Act 1959. This is "An Act to declare that certain offices of profit under the Government shall not disqualify the holders thereof for being chosen as, or for being, members of Parliament". It would, therefore, show that the Offices referred to in this Act are *prima facie* Offices of Profit under the Government. The Office of a Director of the West Bengal Financial Corporation, in view of Section 3(i) of the aforesaid Act, would be an Office of Profit under the Government accordingly. Section 7(e) read with Section 8(e) of the Representation of the People Act, 1951 would not be of any help to the Respondent No. 1, in as much as the Election is to the House of People and the Central Government has no concern with the West Bengal Financial Corporation and is not "the appropriate Government" for the purposes of Section 7(e) of the aforesaid Act. Section 8(e) of the aforesaid Act must be read with reference to Section 7(e) of the Act, and not independently. I would accordingly hold that the Respondent No. 1, as a member of the Board of Directors of the West Bengal Financial Corporation, holds an Office of Profit under the Government of West Bengal and as such disqualified for being chosen as a member to the House of People under Article 102 (1)(a) of the Constitution. Issue No. 3 is accordingly answered in the affirmative.

#### Issue No. 4.

This issue was not pressed at the time of trial and is accordingly answered against the Petitioners (*vide* order No. 12 dated 6th August 1962).

#### Issues Nos. 1 and 5.

From my findings on issues Nos. 2 and 3, it is quite clear that the Election of the Respondent No. 1 to the House of People must be declared as void. Even on that basis, this case does not fall within Section 101 of the Representation of the

People Act, 1951 and as such there can be no declaration that the Respondent No. 2 has been duly elected.

I accordingly allow this application and declare the Election of the Respondent No. 1 to the House of People to be void and direct the Respondent No. 1 to pay a sum of Rs. 100 as consolidated costs to the Petitioners.

Dictated and corrected by me.

S. CHAKRAVARTI,  
Member, Election Tribunal,  
Bankura.

S. CHAKRAVARTI,  
Member, Election Tribunal,  
Bankura, 11-8-62.

[No. 82/111/62).]

*New Delhi, the 30th August 1962*

**S.O. 2758.**—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, incurred by the person whose name and address are given below, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act:—

**SCHEDULE**

| Name and address of the disqualified candidate   | Serial No. and name of constituency | Commission's notification No. and date under which disqualified |
|--|-------------------------------------|---|
| 1  | 2                                   | 3   |
| Shri Lalitkumar,<br>Village and P.O. Raigarh,<br>Tahsil Raigarh,<br>District Raigarh,<br>Madhya Pradesh. | 10-Surguja                          | No. MP-P/10/62(8)<br>dated the 25th May, 1962.                  |

[No. MP-P/10/62(BR).]

By Order  
PRAKASH NARAIN, Secy.

**MINISTRY OF HOME AFFAIRS**

*New Delhi, the 29th August 1962*

**S.O. 2759.**—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1957, namely:—

1. These rules may be called the Central Civil Services (Classification, Control and Appeal) Sixth Amendment Rules, 1962.

2. For sub-rule (2) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the following sub-rule shall be substituted, namely:—

“(2) A member of a Central Civil Service, Class II, may appeal against an order imposing upon him any of the penalties specified in rule 13 to the authority specified in this behalf either in the Schedule or by a General or special order of the President or, where no such authority is specified—

- (i) to the appointing authority, where such order is made by an authority subordinate to it; or
- (ii) to the President, where such order is made by any other authority”.

[No. F.7/11/62-Ests.A.]

B. D. JAYAL, Dy. Secy.

**MINISTRY OF FINANCE**  
**(Department of Expenditure)**

*New Delhi, the 22nd August 1962*

**S.O. 2760.**—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following regulations further to amend the Civil Service Regulations, namely:—

1. These Regulations may be called the Civil Service (Ninth Amendment) Regulations, 1962.

2. In the Civil Service Regulations,—

(1) for article 351A, the following article shall be substituted, namely:—

**"351A.**—The President further reserves to himself the right of withholding or withdrawing a pension or any part of it, whether permanently or for a specified period and the right of ordering the recovery from a pension of the whole or part of any pecuniary loss caused to Government, if, in a departmental or judicial proceeding, the pensioner is found guilty of grave misconduct or negligence during the period of his service, including service rendered upon re-employment after retirement.

Provided that—

(a) such departmental proceeding, if instituted while the officer was in service, whether before his retirement or during his re-employment, shall, after the final retirement of the officer, be deemed to be a proceeding under this article and shall be continued and concluded by the authority by which it was commenced in the same manner as if the officer had continued in service;

(b) such departmental proceeding, if not instituted while the officer was in service, whether before his retirement or during his re-employment:—

(i) shall not be instituted save with the sanction of the President;

(ii) shall not be in respect of any event which took place more than 4 years before such institution; and

(iii) shall be conducted by such authority and in such place as the President may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the officer during his service;

(c) no such judicial proceeding, if not instituted while the officer was in service, whether before his retirement or during his re-employment, shall be instituted in respect of a cause of action which arose or an event which took place more than 4 years before such institution; and

(d) the Union Public Service Commission shall be consulted before final orders are passed.

*Explanation.*—For the purpose of this article—

(a) a departmental proceeding shall be deemed to be instituted on the date on which the statement of charges is issued to the officer or pensioner, or if the officer has been placed under suspension from an earlier date, on such date; and

(b) a judicial proceeding shall be deemed to be instituted—

(i) in the case of a criminal proceeding, on the date on which the complaint or report of police officer, on which the Magistrate takes cognizance, is made, and

(ii) in the case of a civil proceeding, on the date of presentation of the plaint in the Court.”;

(2) after article 351-A, the following article shall be inserted, namely:—

**"351-B(1).**—Where any departmental or judicial proceeding is instituted under Art. 351-A or where a departmental proceeding is continued under clause (a) of the proviso thereto against an officer who has retired on attaining the age of compulsory retirement or otherwise, he shall be paid during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceeding, final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying

service upto the date of retirement, or if he was under suspension on the date of retirement, upto the date immediately preceding the date on which he was placed under suspension; but no gratuity or death-cum-retirement gratuity shall be paid to him until the conclusion of such proceeding and the issue of final orders thereon.

(2) Payment of provisional pension made under clause (1) shall be adjusted against the final retirement benefits sanctioned to such officer upon conclusion of the aforesaid proceeding but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

NOTE.—The grant of pension under this article shall not prejudice the operation of article 470 when final pension is sanctioned upon conclusion of the proceeding.”;

(3) for article 416, the following article shall be substituted, namely:—

“416.—Time passed under suspension pending enquiry into conduct counts in full where, on conclusion of the enquiry, the Government servant has been fully exonerated or the suspension is held to have been wholly unjustified; in other cases, the period of suspension does not count unless the authority competent to pass orders under Fundamental Rule 54 or article 193(b) expressly declares at the time that it shall count, and then it shall count only to such extent as the competent authority may declare.”;

(4) article 417 shall be omitted;

(5) in article 459, the proviso shall be omitted.

[No. F. 4(30)-EV(C)/62.]

N. K. BHOJWANI, Dy. Secy.

#### (Department of Expenditure)

*New Delhi, the 24th August 1962*

**S.O. 2761.**—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, the President, after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the Contributory Provident Fund Rules (India), 1962, namely:—

These rules may be called the Contributory Provident Fund (India) First Amendment Rules, 1962.

2. In the Contributory Provident Fund Rules (India), 1962,—

(i) for sub-rule (1) of rule 16, the following shall be substituted, namely:—

“(1) Subject to the conditions specified therein withdrawals may be sanctioned by the authorities competent to sanction an advance for special reasons under sub-rule (2) of rule 13, at any time—

(I) After the completion of twenty-five years of service (including broken periods of service, if any) of a subscriber or within five years before the date of his retirement on superannuation, whichever is earlier, from the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund, for one or more of the following purposes, namely:—

(a) meeting the cost of higher education, including where necessary, the travelling expenses of any child of the subscriber actually dependent on him in the following cases, namely:—

(i) for education outside India for academic, technical, professional or vocational course beyond the High School stage, and

(ii) for any medical, engineering or other technical or specialised course in India beyond the High School stage, provided that the course of study is for not less than three years.

(b) meeting the expenditure in connection with the marriage of a son or a daughter of the subscriber and if he has no daughter, of any other female relation dependent on him;

(c) meeting the expenses in connection with the illness, including where necessary, the travelling expenses, of the subscriber or any person actually dependent on him; and

(II) After the completion of twenty years of service (including broken periods of service, if any) of a subscriber or within ten years before the date of his retirement on superannuation, whichever is earlier, from the amount of subscriptions and interest thereon standing to the credit of the subscriber in the Fund, for one or more of the following purposes, namely:—

(a) building or acquiring a suitable house for his residence including the cost of the site or repaying any outstanding amount on account of the loan expressly taken for this purpose before the date of receipt of the application for withdrawal but not earlier than twelve months of that date, or reconstructing, or making additions or alterations to a house already owned or acquired by a subscriber;

(b) purchasing a house site or repaying any outstanding amount on account of loan expressly taken for this purpose before the date of receipt of the application for the withdrawal but not earlier than twelve months of that date;

(c) for constructing a house on a site purchased utilising the sum withdrawn under clause (b).

**NOTE.**—A subscriber who has availed himself of an advance under the scheme of the Ministry of Works, Housing and Supply for the grant of advances for house-building purpose, or has been allowed any assistance in this regard from any other Government source, shall be eligible for the grant of final withdrawal under sub-clauses (a), (b) and (c) of clause (II), for the purposes specified therein and also for the purpose of repayment of any loan taken under the aforesaid scheme subject to the limit specified in the proviso to sub-rule (1) of rule 17."

(ii) to sub-rule (1) of rule 17, the following proviso shall be added, namely:—

"Provided that in the case of a subscriber who has availed himself of an advance under the scheme of the Ministry of Works, Housing and Supply for the grant of advances for house-building purpose, or has been allowed any assistance in this regard from any other government source, the sum withdrawn under this sub-rule together with the amount of advance taken under the aforesaid scheme or the assistance taken from any other Government source shall not exceed Rs. 75,000 or five years' pay, whichever is less."

(iii) in rule 18, for the words, brackets, letters and figures 'clauses (a), (b) and (c) of sub-rule (1) of rule 16' the words, brackets, letters and figures "sub-clauses (a), (b) and (c) of clause (I) of sub-rule (1) of rule 16" shall be substituted.

[No. F. 4(17)-EV(B)/61.]

**S.O. 2762.**—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, the President, after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the General Provident Fund (C.S.) Rules, 1960, namely:—

These rules may be called the General Provident Fund (Central Services) Fourth Amendment Rules, 1962.

2. In the General Provident Fund (Central Services) Rules, 1960, in rule 16A, for the words, brackets, letters and figures "clauses (a), (b) and (c) of clause (II) of sub-rule (1) of rule 15", the words, brackets letters and figures "sub-clause (a), (b) and (c) of clause (I) of sub-rule (1) of rule 15" shall be substituted.

(This rule was last amended *vide* Gazette Notification No. 1312, dated the 5th May 1962.)

[No. F. 4(17)-EV(B)/61.]

V. K. SUBRAMANIAN, Under Secy.



An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 24th day of August 1962.

ISSUE DEPARTMENT

| Liabilities                                    | Rs.            | Rs.            | Assets  | Rs.           | Rs.            |
|--|----------------|----------------|---|---------------|----------------|
| Notes held in the Banking Department . . . . . | 22,84,81,000   |                | Gold Coin and Bullion :—  |               |                |
| Notes in circulation . . . . .                 | 2029,06,29,000 |                | (a) Held in India . . . . .                                     | 117,76,10,000 |                |
| Total Notes issued . . . . .                   |                | 2051,91,10,000 | (b) Held outside India . . . . .                                | ..            |                |
|  |                |                | Foreign Securities . . . . .                                    | 88,84,17,000  |                |
|  |                |                | TOTAL . . . . .   |               | 206,60,27,000  |
|  |                |                | Rupee Coin . . . . .  |               | 122,81,01,000  |
|  |                |                | Government of India Rupee Securities . . . . .                  |               | 1722,49,82,000 |
|  |                |                | Internal Bills of Exchange and other commercial paper . . . . . |               | ..             |
| TOTAL LIABILITIES . . . . .                    |                | 2051,91,10,000 | TOTAL ASSETS . . . . .  |               | 2051,91,10,000 |

Dated, the 29th day of August, 1962.

P. C. BHATTACHARYA,  
Governor.

[No. F. 3(2)-BC/62.]

A. BAKSI, Jt. Secy.

## (Department of Economic Affairs)

*New Delhi, the 1st September 1962*

**S.O. 2764.**—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Salem Bank Ltd, Salem in respect of the property held by it in Papiah Lane, Lalbagh, Chickmavalli, Bangalore City, till the 2nd September, 1963

[No. F 15(4)-BC/62]

**S.O. 2765.**—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Himalya Bank Ltd, Palampur in respect of the property held by it at Nagrota Bagwan, till the 30th June, 1963.

[No F 15(4)-BC/62]

B. J HEERJEE, Under Secy

## (Department of Economic Affairs)

*New Delhi, the 4th September 1962*

**S.O. 2766.**—Whereas schemes have been sanctioned by the Central Government for the amalgamation of the Banks specified in column 1 of the Schedule below with the Banks specified in the corresponding entries in column 2 thereof,

And whereas a difficulty has arisen in giving effect to the said schemes,

Now, therefore, in exercise of the powers conferred by sub-section (10) of section 45 of the Banking Companies Act, 1949 (10 of 1949), the Central Government hereby directs that, notwithstanding anything contained in the Companies Act, 1956 (1 of 1956), it shall not be necessary for any of the transferor Banks specified in column 1 of the said Schedule to comply with the provisions of sections 159, 166 and 285 of the Companies Act, 1956

## SCHEDULE

| <i>Transferor Banks</i>                   | <i>Transferee Banks</i>                           |
|---|---|
| I   | 2   |
| (1) Prabhat Bank Ltd, Delhi               | National Bank of Lahore Ltd., New Delhi.          |
| (2) Indo-Commercial Bank Ltd., Mayuram    | Punjab National Bank Ltd., New Delhi.             |
| (3) Bank of Nagpur Ltd., Nagpur           | Bank of Maharashtra Ltd., Poona                   |
| (4) New Citizen Bank of India Ltd, Bombay | Bank of Baroda Ltd., Bombay.                      |
| (5) Travancore Forward Bank Ltd, Kottayam | State Bank of Travancore, Trivandrum              |
| (6) Bank of Kerala Ltd., Trivandrum.      | Canara Bank Ltd., Mangalore.                      |
| (7) Bank of Poona Ltd, Poona              | Sangli Bank Ltd., Sangli.                         |
| (8) Kottayam Orient Bank Ltd. Kottayam    | State Bank of Travancore, Trivandrum.             |
| (9) Bank of New India Ltd., Trivandrum    | State Bank of Travancore, Trivandrum.             |
| (10) Seasia Midland Bank Ltd., Alleppey   | Canara Bank Ltd., Mangalore.                      |
| (11) Venadu Bank Ltd, Pulincunnoo         | South Indian Bank Ltd, Trichur.                   |
| (12) Wankaner Bank Ltd., Wankaner         | Devkaran Nanjee Banking Co. Ltd., Bombay.         |
| (13) Bank of Konkan Ltd., Malvan          | Bank of Maharashtra Ltd., Poona.                  |
| (14) Bharat Industrial Bank Ltd, Poona.   | Do.   |
| (15) Merchants' Bank Ltd, Tanjore         | Tanjore Permanent Bank Ltd, Tanjore.              |
| (16) Poona Investors Bank Ltd., Poona     | Sangli Bank Ltd, Sangli.                          |
| (17) Raya seema Bank Ltd., Anantapur      | Indian Bank Ltd., Madras.                         |
| (18) Catholic Bank Ltd., Mangalore        | Canara Industrial & Banking Syndicate Ltd, Udipi. |



1

2

- (19) Pie-Money Bank (Private) Ltd., Mangalore Canara Industrial & Banking Syndicate Ltd. Udipi.
- (20) Moolky Bank Ltd., Mulki . . . . . Do.
- (21) G. Raghunathmull Bank Ltd, Hyderabad Canara Bank Ltd., Mangalore.
- (22) Satara Swadeshi Commercial Bank Ltd., United Western Bank Ltd., Satara. Satara City.
- (23) Cuttack Bank Ltd., Cuttack . . . . . United Bank of India Ltd., Calcutta.
- (24) Tezpur Industrial Bank Ltd., Tezpur . . . . . United Bank of India Ltd., Calcutta.
- (25) Phaltan Bank Ltd., Phaltan . . . . . Sangli Bank Ltd., Sangli.
- (26) Jodhpur Commercial Bank Ltd., Jodhpur Central Bank of India Ltd., Bombay.
- (27) Bank of Citizens Ltd., Belgaum . . . . . Canara Banking Corporation Ltd., Udipi.
- (28) Karur Mercantile Bank Ltd., Karur . . . . . Lakshmi Vilas Bank Ltd., Karur.
- (29) Peoples' Bank Ltd., Tirthahalli . . . . . Canara Industrial & Banking Syndicate Ltd., Udipi.
- (30) Pratap Bank Ltd., New Delhi . . . . . Lakshmi Commercial Bank Ltd., Delhi.

[No. F. 4(105)-BC/61.]

R. K. SESHADRI, Dy. Secy.

## (Department of Economic Affairs)

## CORRIGENDUM

*New Delhi, the 29th August 1962*

**S.O. 2767.**—In item 13 under Part I of the schedule to the notification of the Government of India in the Ministry of Finance, Department of Economic Affairs, No. S.O. 734, dated the 6th March, 1962, published in Part II, Section 3—Sub-section (ii) of the Gazette of India, dated the 17th March, 1962 (No. 11):—

- (i) for "the Chief Executive Officer and Accounts Officer, Manipur Territorial Council" read "the Chief Executive Officer and the Accounts Officer, Manipur Territorial Council"; and
- (ii) for "the Chief Executive Officer, Imphal Municipality" read "the Executive Officer, Imphal Municipality."

[No. F. 4(67)-C&amp;C/57.]

D. N. GHOSH, Dy. Secy.

## (Department of Revenue)

## INCOME-TAX ESTABLISHMENTS

*New Delhi, the 1st September 1962*

**S.O. 2768.**—In pursuance of clause (b) of sub-rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, the Central Government have been pleased to appoint Shri C. Balakrishnan, Income-tax Officer, Class I, Bombay City, as Authorised Representation, Income-tax Appellate Tribunal, Bombay, with effect from the afternoon of the 4th July, 1962, to appear, plead and act for any Income-tax authority who is a party to any proceedings before the Income-tax Appellate Tribunal.

[No. 276.]

**S.O. 2769.**—Consequent on his posting as Under Secretary, Ministry of Finance (Department of Revenue), New Delhi, the powers conferred on Shri J. Rama Iyer, by the Ministry of Finance (Department of Revenue) Notification No. 211-Income-tax Establishments, dated the 9th July, 1962, are hereby withdrawn from the afternoon of 4th July, 1962.

[No. 277.]

**S.O. 2770.**—Consequent on his posting as Under Secretary, Ministry of Commerce and Industry, New Delhi, the powers conferred on Shri S. P. Krishnamurthy by the Ministry of Finance (Department of Revenue) Notification No. 211-Income-tax Establishments, dated the 9th July, 1962, are hereby withdrawn, from the afternoon of 21st August, 1962.

[No. 278.]

M. G. THOMAS, Under Secy.

## CENTRAL BOARD OF REVENUE

### INCOME-TAX

*New Delhi, the 28th August 1962*

**S.O. 2771.**—In exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Revenue hereby directs that in its Notification No. 41 (F. No. 55/1/62-IT), dated the 27th July, 1962, published as S.R.O. 2420 on page 2697 of the Gazette of India, dated the 4th August, 1962, the following words occurring in para 2 thereof may be omitted:—

“and Central Circles I-A, I-B, I-C, II-A, II-B, II-C, II-D and II-E at Bombay and Central Circles I, II and III at Ahmedabad.”

### *Explanatory Note*

**NOTE.**—The amendment has become necessary on account of abolition of these Circles.

(The above note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 57 (F. No. 55/1/62-IT).]

**S.O. 2772.**—In exercise of the powers conferred by section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Revenue hereby deletes S. No. 21-E and the entries there against from its notification S.R.O. 1214 (No. 44—Income-tax), dated the 1st July 1962.

This notification shall take effect from 15th September, 1962.

[No. 56 (F. No. 55/177/61-IT).]

*New Delhi, the 29th August 1962*

**S.O. 2773.**—In exercise of the powers conferred by section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Revenue makes the following amendment to its notification S.R.O. 1214 (No. 44—Income-tax), dated the 1st July 1962, namely:—

In the schedule to the said notification, against serial No. 21-C for the existing entry in column 2, the following entry shall be substituted, namely:—

“Executive staff of Messrs. Esso Standard Eastern Inc. stationed anywhere in India.”

[No. 58 (F. No. 55/136/62-IT).]

### CORRIGENDUM

*New Delhi, the 3rd September 1962*

**S.O. 2774.**—In the Board's Notification No. 55, dated 27th August, 1962, published in the Part II, Section 3(ii) of the Gazette of India as S.O. No. 2689, dated 1st September, 1962, for the words “shall take effect from 31st August, 1962” appearing in last line of the notification, read “shall take effect from 10th September, 1962.”

[No. 60.]

K. C. SRIVASTAVA, Under Secy.

## CUSTOMS

*New Delhi, the 8th September 1962*

**S.O. 2775.**—In exercise of the powers conferred by clause (c) of Section 11 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Board of Revenue hereby makes the following further amendments in its notification No. 23-Cus., dated the 14th February, 1959, namely:—

In the table annexed to the said notification after entry number 23, the following shall be inserted, namely:—

|  |      |                         |
|--|------|-------------------------|
| "24. Vegetable oil storage tanks (New Port) of Kandla Port Maintenance Division. | Nil. | Vegetable oil in bulk." |
|--|------|-------------------------|

[No. 121/F. No. 54/1/62-Cus.IV.]

**S.O. 2776.**—In exercise of the powers conferred by clauses (c) and (d) of Section 11 of the Sea Customs Act, 1878 (8 of 1878), the Central Board of Revenue hereby makes the following further amendment to its notification No. 197-Customs, dated the 28th June, 1958, namely:—

In the Schedule to the said notification, after the entries relating to wharf No. 22, the following shall be added, namely:—

|              |    |             |  |                        |
|--------------|----|-------------|--|------------------------|
| "Cochin Port | 23 | Cochin Port | New wharf on the Ernakulam side of Willingdon Island—South of the berth already declared as Wharf under Section 11 of the Sea Customs Act in the Gazette India notification No. 67, dated the 12th May, 1962—Length about 600 capable of berthing a medium size steamer. Northern limit—Berth No. 22 declared as wharf under Section 11 of the Sea Customs Act in the Gazette of India notification No. 67, dated the 12th May, 1962. Southern limit—New berth under construction. Eastern limit back water and Western limit Wharf Boundary Wall. | All goods and Shipping |
|--------------|----|-------------|--|------------------------|

[No. 122/F. No. 54/4/62-Cus.IV.]

S. VENKATESAN. Secy.

## MINISTRY OF COMMERCE AND INDUSTRY

*New Delhi, the 1st September 1962*

**S.O. 2777.**—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), by The Central India Cotton Association Limited, Chhota Sarafa, Ujjain, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Association for a further period of three years from the 14th September, 1962 upto the 13th September, 1965 both days inclusive, in respect of forward contracts in cotton.

2. The recognition hereby granted is subject to the condition that the said Association shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(14)-TMP/FMC/62-I.]

**S.O. 2778.**—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), by The Central India Cotton Association Limited, Chhota Sarafa, Ujjain, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Association on a permanent basis with effect from the 14th September, 1962 in respect of forward contracts in cottonseed.

2. The recognition hereby granted is subject to the condition that the Association shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(14)-TMP/FMC/62-IL]

P. N. SAREEN, Under Secy.

### ORDER

*New Delhi, the 30th August 1962*

**S.O. 2779.—IDRA/6/14**—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules 2, 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, for a period of two years with effect from the date of this Order, the following persons to be members of the Development Council for the scheduled industries engaged in the manufacture or production of Food Processing Industries in place of members, appointed under the Government of India, Ministry of Commerce and Industry Order No. S.O. 1918 dated the 27th July, 1960, as amended from time to time, whose term of office has expired by efflux of time or otherwise:—

1. Joint Secretary (Sugar),  
Ministry of Food & Agriculture,  
(Department of Food),  
New Delhi—Chairman.
2. Shri M. G. Sathe, . . .  
M/s. Sathe Biscuit & Chocolate Co.,  
820, Bhavanipeth,  
Poona.
3. Shri K. Gopalaswamy,  
C. Doctor & Co. Ltd.,  
P.B. 797,  
11, Bruce Street,  
Fort, Bombay-1.
4. Shri Stanley Nichols Roy,  
M/s. United Fruit Co. Ltd.,  
Shillong (Assam).
5. Shri Ahmed Mohideen,  
M/s. Parry's Confectionery Ltd.,  
P.B. No. 12,  
Dare House,  
Madras-1.
6. Shri V. Dwarakanath Reddy,  
M/s. Nutrine Confectionery Works,  
Chittoor (Andhra Pradesh).
7. Shri Jaikishan Das B. Pamnani,  
M/s. J. B. Mangharam & Co.,  
67/1, B. Desai Road,  
Bombay-26.
8. Shri R. K. Vissanji,  
M/s. Wallace Flour Mills,  
9, Wallace Street,  
Fort, Bombay-1.
9. Shri A. C. Khanna,  
M/s. Britannia Biscuit Co.,  
17, Allpore Road,  
Delhi.

10. Shri S. P. Virmani,  
M/s. Jawala Flour Mills,  
33, Najafgarh Industrial Area,  
New Delhi-15.
11. Shri P. Mohan Lal,  
M/s. Parle Products Mfg. Co. (Private) Ltd.  
Thackersey House,  
Graham Road,  
Ballard Estate,  
Fort, Bombay-1.
12. Shri W. S. G. Nelson,  
M/s. Cadbury Fry India Ltd.,  
Cadbury House,  
Bhulabhai Desai Road,  
Bombay.
13. Shri Cock,  
M/s. Hindusthan Milkfood Mfrs. (P) Ltd.,  
Bir Niwas,  
Circular Road,  
Nabha (Punjab).
14. Shri P. H. Bhatt,  
M/s. Kaira District Co-operative Milk Producers Union,  
Anand (Gujarat State).
15. Shri R. Madhawan Nair,  
M/s. Cochin Company,  
Thevara Road,  
Ernakulam-1. (Kerala State).
16. Shri N. S. Pochkhanawala,  
M/s. D & P Products (P) Ltd.,  
Bombay/Agra Road,  
Bhandup, Bombay-40.
17. Shri R. N. Rustomjee,  
M/s. James Smith & Co. P.O. Box 884, Shrinivas House,  
Outram Road, Fort; Bombay.
18. Dr. D. S. Patel,  
M/s. Pure Products & Madhu Canning, Co.,  
98, Dadasaheb Phalke Road; P. O. Box 5558;  
Dadar; Bombay.
19. Shri H. L. Verma,  
Central Dairy Farm,  
Aligarh.
20. Dr. H. A. B. Parpia,  
M/s. Kissan Products Ltd.,  
P.O. Box 107,  
Bangalore-1.
21. Shri P. K. Kymal,  
Technical Adviser,  
Ministry of Food & Agriculture,  
New Delhi.
22. Dr. D. V. Karmarkar,  
Indian Standards Institution,  
Manak Bhavan, 9, Mathura Road,  
New Delhi.
23. Shri Dayanand,  
Senior Marketing Development Officer,  
Directorate of Marketing and Inspection,  
Ministry of Food and Agriculture,  
New Secretariat Buildings,  
Nagpur.
24. Dr. D. S. Bhatia,  
Assistant Director,  
Central Food Technological Research Institute,  
Mysore.

25. Shri D. N. Srivastava,  
Director-In-Charge,  
Fruit Utilisation Directorate,  
Ranikhet (U.P.).
  26. Director of Industries,  
Government of Jammu and Kashmir,  
Srinagar.
  27. Director of Industries,  
Government of Orissa,  
Bhavaneshwar.
  28. Shri B. N. Agarwal,  
M/s. C & E Morton (I) Ltd.,  
Marhowrah (Bihar).
2. Shri S. Rama Swamy, Assistant Development Officer, Development Wing, New Delhi, is hereby appointed to carry on the functions of Secretary to the said Development Council.

[No. 1(8)L.Pr/62.]

K. J. GEORGE, Dy. Secy.

## ORDER

*New Delhi, the 4th September 1962*

**S.O. 2780.**—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order further to amend the Art Silk Textiles (Production and Distribution) Control Order, 1962, namely:—

1. This Order may be called the Art Silk Textiles (Production and Distribution) Control (Second Amendment) Order, 1962.

2. After sub-clause (2) of clause 10 of the Art Silk Textiles (Production and Distribution) Order, 1962, the following sub-clause shall be inserted, namely:—

“(3) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898, relating to search and seizure, shall, so far as may be, apply to searches and seizures under this clause.”

[No. F. 23(2)Tex.(D)/61.]

A. G. V. SUBRAHMANIAM, Under Secy.

## MINISTRY OF MINES &amp; FUEL

*New Delhi, the 30th August 1962*

**S.O. 2781.**—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

*Drawing No. Rev/31/62 Dt. 27-4-62*

SCHEDULE  
(PATRATU BLOCK)

| S. No. | Village. | Thana   | Thana No. | District   | Area              | Remarks                                    |
|--------|----------|---------|-----------|------------|-------------------|--|
| 1.     | Sankul   | Ramgarh | 21        | Hazaribagh |                   | Part.                                      |
| 2.     | Patratu  | Ramgarh | 22        | Hazaribagh |                   | Part.                                      |
|        |          |         |           |            | Total Area:<br>Or | 368.00 Acres (Approx.)<br>149.04 Hectares. |

**BOUNDARY DESCRIPTION:**

AB line passes along the common boundary of villages Sankul and Patratu, meeting at point 'B'.

BC line passes through village Sankul, meeting at point C.

CD line passes along the right bank of river Damodar, meeting at point D.

DE line passes along the common boundary of villages Sael and Patratu, meeting at point E.

EF line passes through village Patratu, meeting at point F.

FA line passes along the Railway line i.e. through village Patratu, meeting at point A.

The map of this area can be inspected in the office of the National Coal Development Corporation Limited (Revenue Section), Darbhanga House, Ranchi or in the office of the Deputy Commissioner, Hazaribagh (Bihar).

[No. C2-20(21)/62.]

P. S. KRISHNAN, Under Secy.

*New Delhi, the 3rd September 1962*

**S.O. 2782.**—In exercise of the powers conferred by sub-section (1) of section 15 of the Coal Mines (Conservation and Safety) Act, 1952 (12 of 1952), read with rule 21 of the Coal Mines (Conservation and Safety) Rules, 1954, the Central Government reconstitutes with effect from the 1st August, 1962, the Advisory Committee on Stowing, which shall consist of the following persons, namely:—

|  |  |
|--|--|
| Shri R. K. Talwar,   | Chairman   |
| Chairman, Coal Board.  | (nominated by the Coal Board)                              |
| Shri G. S. Jabbi,  | Member   |
| Chief Inspector of Mines.  |  |
| Dr. K. N. Sinha,   | Member   |
| Officer on Special Duty, Central Mining Research Station, Dhanbad. |  |
| Shri R. H. Wright  | Member   |
| Messrs Andrew Yule & Company Ltd.                                  | { Representatives of the Indian Mining Association.        |
| Shri O. H. Senior,   | Member   |
| Messrs Bird and Company (Private) Ltd.                             |  |
| Lala Inder Mohan Thapar,   | Member   |
| Messrs Karam Chand Thapar & Bros. (Private) Ltd.                   | Representative of Indian Mining Federation.                |
| Shri B. C. Shah,   | Member   |
| Sendra Bansjora Colliery, Dhanbad                                  | Representative of the Indian Colliery Owners' Association. |

The Notification of the Government of India in the Ministry of Steel, Mines and Fuel. (Department of Mines and Fuel) No. S. O. 1896 dated the 3rd August, 1961 stands superseded with effect from the 1st August, 1962.

[No. C5-4(2)/62.]

S. P. GUGNANI, Dy. Secy.

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**THE MADRAS CENTRAL EXCISE COLLECTORATE: MADRAS-31**
**CENTRAL EXCISES**

*Madras, the 18th August 1962*

**S.O. 2783.**—In exercise of the powers conferred by Rule 233 of the Central Excise Rules, 1944, and in pursuance of Rule 46 of the Central Excise Rules, 1944, the undersigned directs that every licensee of a powerloom factory producing Cotton fabrics, Art Silk Fabrics, Silk Fabrics, Stable fibre fabrics or Woollen

fabrics shall, within one month from the date of issue of this Notification or from the date of actual working of the looms, distinctly paint on each loom.

- (i) Serial No.:
- (ii) Name of Licensee:
- (iii) 4 licence number.

2. Where two or more units are situated in the same shed every licensee shall demark his looms with a painted line on the floor.

[C. No. VIP(21)4/62C.E.POL (Powerlooms).]

A. K. ROY, Collector.

### MINISTRY OF FOOD AND AGRICULTURE (Department of Agriculture)

*New Delhi, the 1st September 1962*

**S.O. 2784.**—The following draft of rules further to amend the Hides Grading and Marking Rules, 1937, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) is published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 25th September, 1962.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

#### *Draft Rules*

1. These rules may be called the Hides Grading and Marking (Second Amendment) Rules, 1962.

2. In Schedule I to the Hides Grading and Marking Rules, 1937 for the word "Kids" occurring in line 6 in column 4 against Grade 'B', the word "Klips" shall be substituted.

[No. F.17-1/62-AM.]

### CORRIGENDUM

*New Delhi, the 30th August 1962*

**S.O. 2785.**—In the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. F. 17-1/62-AM(viii), dated the 27th of March, 1962, published as S.O. 1005 on pages 927-928 of the Gazette of India, Part II, Section 3(ii), dated the 7th of April, 1962, at page 928, in line 3, for "word" wherever it occurs read "words".

[No. F. 17-1/62-AM (pt).]

V. S. NIGAM, Under Secy.

### (Department of Agriculture) (I.C.A.R.)

*New Delhi, the 30th August 1962*

**S.O. 2786.**—The Governments of Mysore and Uttar Pradesh having nominated the following as members of the Indian Central Oilseeds Committee to represent the State Governments and the oilseed growers of the States under Sections 4(e) and 4(f) of the Indian Oilseeds Committee Act 1946. (9 of 1946), respectively, the Central Government hereby notify that the said persons shall be members of the Committee for the period ending on 31st March, 1965.

1. The Joint Director of Agriculture  
(Research and Education), Bangalore.

Representing the Government of  
Mysore under Section 4(e) of the  
Indian Oilseeds Committee Act 1946.

2. Shri G. Shivappa, Chitaldrug,  
Mysore.

Representing the Oilseeds growers  
of Mysore State under Section 4(f) of  
Indian Oilseeds Committee Act 1946.



3. The Economic Botanist\* (Oilseeds),  
Government of Uttar Pradesh, Kanpur.

Representing Government of Uttar  
Pradesh under Section 4(e) of Indian  
Oilseeds Committee Act, 1946.

4. Shri Lakshman Singh, Lawyer and  
Farmer C/o Shri Nepal Singh, Gandhi  
Nagar, Meerut.

Representing Oilseeds growers of  
Uttar Pradesh under Section 4(f) of  
the Indian Oilseeds Committee Act,  
1946.

[No. 8-22/62-Com.II.]

*New Delhi, the 31st August 1962*

**S.O. 2787.**—In pursuance of Section 4(m) of the Indian Oilseeds Committee 1946 (9 of 1946), the Central Government hereby appoint Shri Ramdas Kilachand, President, Bombay Oilseeds and Oil Exchange Limited, Jenabai Building, Masjid Bunder Road, Bombay, as a member on the Indian Central Oilseeds Committee, to represent the exporters of oilseeds and oilseeds products, for the period ending the 31st March, 1965.

[No. F. 8-39/62-Com.II.]

N. K. DUTTA, Under Secy.

## MINISTRY OF TRANSPORT AND COMMUNICATIONS

(P. & T. Board)

*New Delhi, the 27th August 1962*

**S.O. 2788.**—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General Posts and Telegraphs, hereby specifies the 1-10-1962 as the date on which the Measured Rate System will be introduced in Rajahmundry Telephone Exchange.

[No 31/15/62-PHB.]

RAMA KANT,

Director of Telephones (E).

## (Departments of Communications and Civil Aviation)

(P. & T. Board)

*New Delhi, the 30th August 1962*

**S.O. 2789.**—In pursuance of sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Communications (Posts and Telegraphs) No. S.R.O. 620, dated the 28th February, 1957, namely:—

In Part II, General Central Service, Class III, of the Schedule to the said notification, under the heading "Railway Mail Offices" for the entry "Superintendent, Railway Mail Service" in columns 3 and 5, against the item "Mail Guards" in column 1, the following entry shall be substituted, namely:—

"Senior Superintendent, Railway Mail Service or Superintendent,  
Railway Mail Service."

[No. 44/11/60-Disc.]

D. K. AGARWAL,

Assistant Director General.

**MINISTRY OF WORKS, HOUSING AND SUPPLY****CORRIGENDUM***New Delhi, the 22nd August 1962*

**S.O. 2790.**—In the notification of the Government of India in the Ministry of Health S.R.O. 414 dated the 31st March, 1958, published at page 256 of the Gazette of India, 1958, Part II, Section 2(ii), for the expression 'the 1st day of April, 1958, read 'the 1st day of April, 1958'.

[No. 27/32/62-HI.]

V. P. GULATI, Under Secy.

**(Department of Rehabilitation)****(Office of the Chief Settlement Commissioner)***New Delhi, the 28th August 1962*

**S.O. 2791.**—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Claims) Supplementary Act, 1954 (No. 12 of 1954) the Central Government hereby appoints Shri Krishan Lal Wason as Settlement Officer for the purpose of performing the functions assigned to such officer by or under the said Act with effect from the date he took charge of his office in the office of the Chief Settlement Commissioner viz. 27th July, 1962.

2. The Central Government also appoints the said officer as Additional Settlement Commissioner for the purpose of performing the functions assigned to such officer by or under the said Act with effect from the same date.

[No. 6(11)/ARG 62.]

*New Delhi, the 31st August 1962*

**S.O. 2792.**—In exercise of the powers conferred by Sub-Section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) the Central Government hereby appoints for the State of Rajasthan, Shri D. C. Sahai Managing Officer, in the Office of the Regional Settlement Commissioner, Jaipur as Assistant Custodian for the purpose of discharging the duties assigned on Custodian by or under the said Act with effect from the date he took over charge of his office.

[No. 4(2)Admn.(Prop)/58/ARG.]

*New Delhi, the 3rd September 1962*

**S.O. 2793.**—In exercise of the powers conferred by Sub-Section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950) the Central Government hereby appoints for the State of Uttar Pradesh, Shri A. P. Agrawal, Asstt. Settlement Commissioner in the office of the Regional Settlement Commissioner, Uttar Pradesh, Lucknow as authorised Deputy Custodian for the purpose of discharging the duties imposed on Custodian by or under the said Act with effect from the date he took over charge of his office.

This Ministry's notification of even number dated 25th June, 1962 is hereby cancelled.

[No. 5/7/ARG/62.]

KANWAR BAHADUR,  
Settlement Commissioner (A) & *Ex-Officio*,  
Deputy Secretary.

**MINISTRY OF COMMUNITY DEVELOPMENT, PANCHAYATI RAJ, AND CORPORATION****(Deptt. of Corporation)***New Delhi, the 1st September 1962*

**S.O. 2794.**—In exercise of the powers conferred by Section 5B of the Multi-unit Cooperative Societies Act, 1942 (6 of 1942) the Central Government hereby directs that the following amendment shall be made in the notification of the Government of India in the late Ministry of Community Development and Co-operation, (Department of Cooperation), No. S.O. 1593, dated the 28th June, 1961,

published at page 1555 of Part II Section 3(ii) of the Gazette of India of the 8th July, 1961, namely:—

In the said notification against Serial No. 12, for the entry "Shri M. L. Batra", the entry "Shri V. P. Johar" shall be substituted.

[No. 3/40/60/CT.]

S. S. PURI, Dy. Secy.

## MINISTRY OF IRRIGATION AND POWER

*New Delhi, the 21st August 1962*

**S.O. 2795.**—In exercise of the powers conferred by Section 3 of the Electricity (Supply) Act, 1948 (Act No. 54 of 1948), and in supersession of this Ministry's Notification No. EL.II-1(146), dated the 16th August, 1954, the Central Government hereby appoints Shri K. P. S. Nair, Member (HE), Central Water and Power Commission (Power Wing), as a member of the Central Electricity Authority, vice Shri M. Hayath.

[No. EL.II-27(4)/62.]

K. G. R. IYER, Dy. Secy.

## MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

### ARCHAEOLOGY

*New Delhi, the 30th August 1962*

**S.O. 2796.**—In pursuance of section 36 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby makes the following correction in the notification of the late Government of the United Provinces in the Public Works Department, Buildings and Roads Branch, No. 1645-M/1133, dated the 22nd December, 1920, namely:—

In the said notification in the second column, under the heading "Name of Monument" against serial No. 9, for the words "Jain Temple", the words "Makarbai Temple" shall be substituted.

[No. F. 4-8/62-C.I.]

S. J. NARSIAN, Asstt. Edcl. Adviser.

## MINISTRY OF HEALTH

### ORDERS

*New Delhi, the 31st August 1962*

**S.O. 2797.**—Whereas the Government of India in the Ministry of Health has, by notification No. 16-18/60-MI, dated the 30th December, 1960, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "M.D. (University of Munster-Germany)" for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of this Order or so long as Dr. Margaretha Hegemann, who possesses the said qualification, continues to work in the Jubilee Mission Hospital, Trichur, Kerala, to which she is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Margaretha Hegemann shall be limited.

[No. F. 16-12/62-MI.]

**S.O. 2798.**—Whereas the Government of India in the Ministry of Health has, by notification No. 17-2/60-MI, dated the 22nd April, 1960, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "M.D. (Pennsylvania—U.S.A. for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby specifies the period of two years with effect from the date of this Order or so long as Dr. Walter M. Bond, who possesses the said qualification, continues to work in the Wanless Hospital Miraj Medical Centre, Dist. South Satara, Maharashtra, to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Walter M. Bond shall be limited.

[No. F. 16-17/62-MI.]

B. B. L. BHARADWAJ, Under Secy.

## MINISTRY OF INFORMATION AND BROADCASTING

*New Delhi, the 29th August 1962*

**S.O. 2799.**—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and proviso to sub-rule (3) of rule 8 read with sub-rule (2) of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Smt. Kanti Berry as a member of the Advisory Panel of the said Board at Bombay with immediate effect.

[No. F. 11/2/62-FC.]

**S.O. 2800.**—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and proviso to sub-rule (3) of rule 8 of the Cinematograph (Censorship) Rules, 1958 read with sub-rule (3) of rule 9 of the said Rules, the Central Government hereby re-appoints the following persons as members of the Advisory Panel of the Central Board of Film Censors at Bombay for a further term of two years with effect from the 10th August, 1962:—

1. Prof. G. C. Jhala.
2. Prof. V. G. Hatakar.
3. Smt. Harbans T. Singh.

[No. F. 11/2/62-FC.]

R. K. GOVIL, Under Secy.

## MINISTRY OF LABOUR AND EMPLOYMENT

*New Delhi, the 30th August 1962*

**SO. 2801.**—In pursuance of sub-rule (1) of rule 3 of the Coal Mines Rescue Rules, 1959, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 840, dated the 16th March, 1962, namely:—

In item 4, for the existing entry, the following entry shall be substituted, namely:—

- “4. Shri B. P. Agarwalla,  
P.O. Jharia, Dhanbad.

[No. 14/17/62-MI. Am. 2.]

R. C. SAKSENA, Under Secy.

*New Delhi, the 29th August 1962*

**S.O. 2802.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the matter of an application under Section 33A of the said Act from Shree Govind Mullah.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
DHANBADAPPLICATION No. 106 of 1960  
(ARISING OUT OF REF. No. 27 of 1960)

## PARTIES:

Shree Govind Mallah—Applicant.

Vs.

1. The Chief Mining Engineer  
Messrs. Bird & Co. Ltd.
2. The Ropeway Engineer,  
Loyabad Ropeway—Opposite Party.

In the matter of a complaint under section 33A of the Industrial Disputes Act.

## PRESENT:

Shri Salim M. Merchant, Presiding Officer.

Camp: Bombay, dated 14th August 1962.

## APPEARANCES:

For the Applicant:—Shri Lalit Barman.

For the Opposite Party:—Shri S. S. Mukherjee, Advocate, with Shri J. L. Sinha, Group Personnel Officer.

STATE: Bihar.

INDUSTRY: Coal Mining.

## AWARD

This is a complaint purporting to be under section 33A of the Industrial Disputes Act, 1947, (hereinafter referred to as the Act), and is directed against the applicant's dismissal from service by the opposite party's letter dated 17th November 1960 (annexure 3 to the company's written statement). The applicant was employed as a Scapper Khalasi in the Loyabad Ropeway and he was dismissed from service because, according to the opposite party, he had been guilty of the misconduct under the company's standing orders 27(1) and 27(5) of having disobeyed the orders of his superior to attend to rope splicing at Samsikia during the second shift (2 P.M. to 10 P.M. shift) on Sunday, 23rd October 1960, and of having at 6 P.M. on 22nd October 1960 abused and threatened to assault the supervisor of station A. The applicant was, therefore, served with a charge-sheet, dated 24th October 1960 charging him with these misconducts and calling upon him to give his explanation thereto. The applicant in his written explanation, dated 25th October 1960 denied the misconducts. According to him he had been called for duty in the first shift on 23rd October 1960 (which was a Sunday) and when he reported himself at the commencement of that shift, he was asked to come for work in the second shift commencing at 2 P.M. to which he objected stating that change in shift hours could not be effected without previous notice. His case was that the supervisor had abused him and at first would not allow him to work in the first shift but later allowed him to do so but threatened him that he (the applicant) would be taught a lesson. He denied that he had committed the misconducts with which he was charged. Not being satisfied with this explanation, a departmental enquiry was held in the presence of the applicant on 27th and 28th October 1960 when a number of witnesses were examined for the management, who were cross-examined by the applicant. After the enquiry, the Enquiring Officer made his report holding the applicant guilty of the charges which had been levelled against him and by an order of the Ropeway Engineer, dated 17th November 1960, the applicant was dismissed from service and was asked to collect all his dues. Against the dismissal order the applicant made an appeal dated 19th November 1960, as permitted under the standing orders, to the Chief Mining Engineer of Messrs. Bird & Co. (P) Ltd., but the same was turned down. Thereupon, the applicant filed the present application which is dated 21st December 1960.

2. Now, this complaint has been filed on the footing that the applicant was a workman concerned in the industrial dispute—Reference No. 27 of 1960—which was pending before this Tribunal on the date of his dismissal i.e. on 17th November 1960 and that the opposite party in dismissing him from service during the pendency of that dispute without first obtaining either the written permission or approval of this Tribunal had committed a breach of section 33

of the Act, and, therefore, his dismissal was illegal and this complaint was maintainable. On the merits, his case is that his dismissal was unjustified as he had not been guilty of the misconducts with which he was charged.

3. In its written statement in reply to this complaint and at the hearing the opposite party had urged several legal objections to the maintainability of this application.

4. Firstly, it is contended that the proceedings in Reference No. 27 of 1960 did not arise out of any industrial dispute as those were proceedings of a Reference by Government under section 36A of the Act for the removal of certain doubts and difficulties which Government had felt with regard to the proper interpretation of certain directions in the Award of the All India Industrial Tribunal (Colliery Disputes), (popularly known as the Majumdar Award), in respect of the proper categorisation of a category of workmen called, 'Traffic' of which category there was no workman either in the establishment of Messrs. Bird & Co. (P) Ltd., or in the Loyabad Ropeway. The contention is that proceedings in a reference made by Government under section 36A are not proceedings in an industrial dispute as contemplated by section 33 of the Act and, therefore, it was not necessary for the company to have applied under Section 33 of the Act for permission or approval of the Tribunal before dismissing the applicant from its service. In other words the contention is that the pendency of the proceedings in Reference No. 27 of 1960 did not attract the provisions of section 33. Now, a similar contention had come up for consideration by this Tribunal in other applications under section 33A arising out of Reference No. 27 of 1960 and both the late Shri G. Palit and myself had rejected this contention and against our said decisions several writ petitions are pending before the Hon'ble High Court of Patna. In fact, this application was adjourned on several occasions as it was expected that the decision of the Patna High Court in one of those petitions would be out shortly. Shri S. S. Mukherjee, the learned Advocate, for the opposite party, has, in support of this contention, urged the same arguments as he had urged in other earlier cases in which he had urged the same contention and for the reasons stated by me in my Award, dated 20th October 1961 in Application No. 99 of 1960, in which I have dealt with those arguments, I reject this legal objection.

5. It is next contended for the opposite party that even assuming that the proceedings in Reference No. 27 of 1960 were such proceedings as were contemplated by section 33 of the Act, in other words even assuming that the proceedings of Reference No. 27 of 1960, attracted the provisions of section 33 of the Act, this application is not maintainable as the opposite party was not a workman concerned in that dispute. Shri S. S. Mukherjee, the learned Advocate for the opposite party in support has relied upon the decision of the Patna High Court in the case of Khagen Sarkar and Others—Petitioners vs. Tatanagar Foundry Co. Ltd., Jamshedpur and others—Respondents (1961 A.I.R. Patna p. 420) where their Lordships (Shri R. V. Ramaswami C. J. and Shri R. K. Choudhury J.) held that the question whether a workman is concerned in a dispute under adjudication is a mixed question of law and fact and it is not possible to lay down any specific and particular test or rule of law or formula for determining whether a particular workman is concerned in a dispute within the meaning of section 33 of the Act or not. Their Lordships stated that the question in each case would have to be determined on the particular facts of that case and then proceeded to observe:—

"The principles applicable to come to a decision in this respect however are in my opinion to find out the nature of the dispute under adjudication, the effect of its decision on the rest of the workmen and the nature of the representation of the workmen."

Their Lordships further held that the dispute must be such in which a principle applicable to the workmen in general was applicable.

6. Now, applying these principles to the instant case, it must be held that the applicant Govind Mallah was not a workman concerned in the industrial dispute in Reference No. 27 of 1960. Govind Mallah, as I have stated earlier, was employed as a scapper khalasi in the Loyabad Ropeway. The industrial dispute in Reference No. 27 of 1960 was with regard to the proper categorisation for purposes of the pay scale applicable, to a class of workmen known as "traffics" of which it is not denied there was not a single one in the Loyabad Ropeway. Thus, the nature of the dispute in Reference No. 27 of 1960 was such that there would not be any possible effect—adverse or favourable—of its decision on the

present applicant. Nor, was the dispute in Reference No. 27 of 1960 such in which a principle applicable to the workman in general was applicable.

7. In the result, I uphold the second contention of the opposite party that the applicant herein was not a workman concerned in the industrial dispute, Reference No. 27 of 1960. It, therefore, follows that the provisions of section 33 of the Act did not apply and therefore it was not necessary for the company to have made an application to this Tribunal, for either the permission or approval of this Tribunal before dismissing the applicant from its service. In other words, there has been no breach of the provisions of section 33 of the Act by the opposite party and consequently this application—which is purported to be under section 33A,—is not maintainable, as it is now well established that a complaint under section 33A can only lie if there is a breach of section 33 of the Act.

8. In the result, I uphold the second legal objection urged by the Company and hold that this complaint is not maintainable. It is, therefore, dismissed as not maintainable.

9. I may, however, make it clear that I must not be understood to have expressed any opinion whatsoever on the merits or justification of the dismissal of the complainant.

No order as to costs.

Sd./- SALIM M. MERCHANT,  
Presiding Officer,  
Central Government Industrial Tribunal,  
Dhanbad.

[No. 8/32/62-LRII.]

*New Delhi, the 31st August 1962*

**S.O. 2803.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Patna, in the industrial dispute between the employers in relation to the Panhiya Mica Mine of Messrs Eastern Manganese and Minerals (Private) Limited, Domchanch and their workmen.

**BEFORE SHRI H. K. CHAUDHURI, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA.**

REFERENCE NO 12/C/62

**Employers in relation to the Panhiya Mica Mine of M/S. Eastern Manganese and Minerals (P), Ltd., Domchanch and their workmen.**

*For the Employers*—Shri R. S. Shoroff.

*For the Workmen*—Shri Yashraj Singh, President & Shri Bhuwaneshwar Singh, General Secretary, Abrakh Mazdoor Panchayat, Jhumritilaia.

**AWARD**

*Dated the 22nd August, 1962*

By Notification No. 20/7/62-LRII dated the 23rd April, 1962 the Government of India, Ministry of Labour & Employment, have referred this industrial dispute between the employers in relation to the Panhiya Mica Mine of Messrs Eastern Manganese and Minerals (Private) Ltd., Domchanch and their workmen to this Tribunal for adjudication under Section 7A and clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act. The specific matter in dispute is as follows:—

Whether the management of Messrs Eastern Manganese and Minerals (Private) Limited, Post Office Domchanch have rightly terminated the services of Sarvashri Bhiki Das, Hulshi Singh and Sonu Singh of their Panhiya Mica Mine with effect from 28th December 1961 and if not to what relief are the workmen entitled?

2. The case of the workmen was that the management had terminated their services without following any procedure and in violation of the principle of natural justice. The management on the other hand contended that the workmen concerned were temporary employees and as they absented themselves from duty without information and leave, their services were terminated on the ground of misconduct. It is denied that the management did not follow the proper procedure in terminating their services.

3. On the date of hearing the parties filed a petition of compromise stating that the three workmen would be reinstated. The management further agreed to make an exgratia payment of Rs. 115/- to the union which will be distributed to the workmen concerned. The President of the union further gave an understanding that the workmen will resume their duties immediately and that he would be responsible for their good behaviour in future.

4. The terms of compromise are fair and I accept them.

5. I give my award in terms of the compromise which shall form part of this award as Annexure A. There will be no order as to costs.

H. K. CHAUDHURI,  
Presiding Officer,  
Industrial Tribunal, Patna,  
23-8-62

Recorded at my dictation & corrected by me.

H. K. CHAUDHURI,  
P.O. I. T., Patna.  
23-8-62.

#### ANNEXURE A

IN THE COURT OF PRESIDING OFFICER, INDUSTRIAL TRIBUNAL  
(CENTRAL) CAMP, TELAIYA

REFERENCE No. 12/C/62

Industrial dispute between the employers in relation to Panihiya Mica Mine and their workmen.

The humble petition of compromise on behalf of the both parties.

Most Respectfully Showeth:—

1. That the three workmen in question will be reinstated and for the period of unemployment the management will pay ex-gratia in total to the union Rs. 115/- which will be distributed to the workmen.

2. The workmen will resume their work immediately and for their proper working and behaviour with the management Sri Yashraj Singh will be responsible for it.

It is prayed that your lordship will accept the agreement and give your award in term thereof.

*For the Employers*

Sd./- R. S. SHOROFF,  
For the Management.

Dated 15-8-62.

*For Workmen*

Sd./- YASHRAJ SINGH,  
President, Abrakh M. Panchayat.  
[No. 20/7/62-LRII.]

New Delhi, the 3rd September 1962

S.O. 2864.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Patna, in the industrial dispute between the employers in relation to the Ramkanali Colliery and their workmen.

BEFORE SHRI H. K. CHAUDHURI, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, PATNA.

REFERENCE No. 15(C) OF 1962

Employers in relation to the Ramkanali Colliery and their Workmen.

*For the Employers*—Shri C. R. Roy, Manager, Ramkanali Colliery.

*For the Workmen*—Shri Prasanta Kumar Burman, General Secretary, Koyla Mazdur Sabha, Dhanbad.

#### AWARD

Dated the 23rd August, 1962

By Notification No. 2/33/62-LRII dated the 28th April, 1962 the Government of India, Ministry of Labour and Employment, have referred this industrial dispute between the employers in relation to Ramkanali Colliery and their workmen



to this Tribunal for adjudication under Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act. The specific matter in dispute is set out below:—

Whether the dismissal of the following miners by the management of Ramkanali Colliery from 25th December 1961 was legal and proper; if not, to what relief are the workmen entitled:—

1. Sri Chamari Bhuia,
2. Sri Ramdhani Bhuia,
3. Sri Koha Bhuia,
4. Sri Siba Bhuia,
5. Sri Jugal Kora,
6. Sri Jethu Bhuia,
7. Sri Jamuna Bhuia,
8. Sri Tekan Bhuia,
9. Sri Anchhu Bhuia,
10. Sri Sambhu Kora,
11. Sri Bifan Bhuia,
12. Sri Sipahai Bhuia,
13. Sri Mathur Bhuia,
14. Sri Charkoo Bhuia,
15. Sri Badha Kurmi,
16. Sri Bandhu Bhuia,
17. Sri Sukhdeb Beldar,
18. Sri Mungeswar Dusadh.

2. The case of the management was that after a lay off for a certain period the workmen concerned were allotted duty in the night shift in 11 seam quarry from 1st December 1961 but they forcibly joined the day shift from 4th December 1961. By a letter dated the 5th December, 1961 the workmen were asked to join their allotted shift but they failed to do so. The allegation further was that the workmen were thereupon charge-sheeted for disobedience of orders and since they failed to present themselves at the enquiry they were dismissed with effect from the 27th December, 1961.

3. The case of the workmen, on the other hand, was that they had duly joined work in the quarry on 1st December, 1961 but they were put to continuous harassment in various ways by the management. It is said that later on a written order was issued directing these workmen to work in the night shift which order they duly carried out. It was, however, alleged that due to the obstructive tactics of the management they were unable to do any work. With regard to the enquiry the case of the workmen was that as the notice reached them very late they were unable to attend the enquiry and asked for an adjournment by means of a joint application dated the 20th December, 1961. Thereafter, the allegation was, no further notice was issued with regard to the holding of the enquiry. In these circumstances it was urged that the dismissal was illegal, unjustified and against all canons of justice.

4. Both parties submitted their written statements and papers. On the date of hearing, however, they settled the matter out of court and filed a petition of compromise. Under the terms of the agreement the management has agreed to reinstate all the 18 workmen. Out of these four, namely, Sipahai Bhuia, Mathur Bhuia, Anchhu Bhuia and Jugal Kora have been directed to report for duty within seven days from the date of receipt of the notice intimating their reinstatement. So far as the period from 27th December, 1961 to the date of their joining their duties is concerned these workmen will be considered as being on leave without pay for the purpose of continuity of service only. As for the remaining workmen the agreement is that they will be reinstated within two months from the date of this compromise. It has further been agreed that so far as these workmen are concerned there will be no break in the continuity of their service from 27th December 1961 to the date of their joining—the entire period being considered as leave without wages.

5. On behalf of the management it was explained that 14 of the workmen were not being reinstated immediately as there was just now no job in which they could be employed. It is understood that work for them would be arranged within a period of two months.

6. I consider the terms to be fair and reasonable and accept them.

7. I give my award in terms of the petition of compromise. The petition shall form part of the award as Annexure A.

H. K. CHAUDHURI, Presiding Officer,  
Industrial Tribunal, Patna, 23-8-62.

Recorded at my dictation and  
corrected by me.

H. K. CHAUDHURI,  
P.O., I.T., Patna, 23-8-62.

#### ANNEXURE "A"

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, GOVERNMENT OF INDIA, PATNA.

REFERENCE No. 15(C) OF 1962

Employers in relation to Ramkanali colliery

AND

Their workmen

Parties above-named beg to state that without prejudice to the contention of the parties the above reference has been settled amicably on the following terms:—

1. That out of 18 workmen mentioned in the schedule of the reference Sarbasree Sibahai Bhuia, Mathur Bhuia, Anchhu Bhuia and Jugal Kora will be reinstated on the dates they report for their duties with continuity of service.

2. That the period from 27th December 1961 to the date they join will be considered as on leave without pay for the purpose of continuity of service only.

3. That the above workmen should report for their duties within a week from the date of this compromise.

4. That Sarbasree Tekan Bhuia, Bandhu Bhuia, Chamari Bhuia, Jamuna Bhuia, Kolia Bhuia, Sukhdeb Beldar, Sambhu Kora, Ramdhani Bhuia, Siba Bhuia, Char-koo Bhuia and Badha Kurmi, the other workmen concerned in the reference will be reinstated within two months from the date of this compromise.

5. That the workmen mentioned in para 4 should report for their duties within 7 days from the date of the receipt of the notice intimating their reinstatement.

6. That there will be no break in the continuity of service of the above workmen and the period from 27th December 1961 to the date of their joining will be considered as if on leave without wages for the purpose of continuity of service only.

7. That the parties will bear their own respective costs.

It is therefore humbly prayed that the above compromise may kindly be recorded and the award passed in terms thereof.

For workmen,

PRASANTA KUMAR BURMAN, General Secy.,  
Koyla Mazdoor Sabha, Dhanbad.

For Employer,

C. R. Roy,  
Manager, Ramkanali Colliery.

[No. 2/33/62-LRII.]

#### ORDERS

New Delhi, the 31st August 1962

S.O. 2805.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Hindustan Steel Ltd. (Bhilai Steel Project) and their workmen employed in Rajhara Iron Ore Mines in respect of the matters specified in the Schedule hereto annexed.

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

#### SCHEDULE

Whether the management of Hindustan Steel Limited (Bhilai Steel Project) were justified in terminating the services of Shrimati Indira Nair, Telephone Operator, Rajhara Iron Ore Mines, with effect from the 3rd July, 1961: If not to what relief is the worker entitled?

[No. 23/11/62-LRIL]

*New Delhi, the 1st September 1962*

**S.O. 2806.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Jamadoba Colliery and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Shri Hemanta Kumar Chaudhury as the Presiding Officer with headquarters at Patna and refers the said dispute for adjudication to the said Industrial Tribunal.

#### SCHEDULE

Whether the deductions made on the ground of underloading of mine cars or tubs by the management of Jamadoba Colliery from February, 1961, was justified; if not to what relief are the workmen entitled?

[No. 1/14/62-LRIL]

A. L. HANDA, Under Secy.

*New Delhi, the 30th August 1962*

**S.O. 2807.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi, in the industrial dispute between the employers in relation to the State Bank of Jaipur and their workmen.

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI

##### PRESENT:

Shri P. D. Vyas,  
Central Government Industrial Tribunal, Delhi.

*13th August, 1962.*

REFERENCE I.D. No. 299 OF 1961.

##### BETWEEN

The employers in relation to the State Bank of Jaipur, S.M.S. Highway, Jaipur.

##### AND

Their workmen, as represented by the Rajasthan Bank Employees Union, S.M.S. Highway, Jaipur.

Shri H. C. Chhabra—*for the management.*

Shri H. L. Parwana—*for the workmen.*

#### AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, the Central Government referred an industrial dispute existing between the State Bank of Jaipur and their workmen for adjudication to the Industrial Tribunal, Delhi by order No. 55(15)/61-LRIV, dated 12th October, 1961. The dispute relates to the matters specified in the schedule annexed to the said order.

## SCHEDULE

- (i) Was the State Bank of Jaipur justified in imposing a condition in the offer of promotion to the officer's cadre made to Shri R. L. Khandelwal in the Bank's letter, dated 24th January 1956 that on his promotion he would cease to be a workman?
- (ii) if the answer to (i) is in the negative, whether Shri Khandelwal is entitled to any relief and if so, the extent of such relief?

2. On behalf of the workmen, Shri R. L. Khandelwal in his capacity as the Vice-President, Rajasthan Bank Employees' Union has filed the statement of claim and the General Manager of the State Bank of Jaipur has filed the written statement on its behalf.

3. The case on behalf of the workmen is that Shri R. L. Khandelwal is a senior member of the Staff of the State Bank of Jaipur, which was formerly known as the Bank of Jaipur Limited. He joined the service of the Bank in April, 1949. He passed his B.Com. in 1949, C.A.I.I.B. Part I in 1950, LL.B. in 1951 and C.A.I.I.B. IInd Part in 1959. Taking into account his qualifications and efficiency he was promoted to the supervisory cadre on 10th March 1955 and was granted Power of Attorney under the Bank's circular No. 88, dated 9th December 1955. Shri Khandelwal was at that time the Vice-President of the Union and after the Industrial Disputes (Banking Companies) Decision Act of 1955, Shri Khandelwal represented the cases of the employees for payment of special allowance prescribed in para. 164(b) of the Sastry Award for the supervisory cadre. The Bank however instead of paying the supervisory special allowances to the persons entitled, introduced a new pay scale for the supervisory cadre imposing a condition that all such employees cannot opt for the awarded scales of pay and allowances and that they would cease to be 'workmen', as defined in the Industrial Disputes Act, 1947. Shri Khandelwal however wanted to be treated as 'workman' in demanding the payment of special allowance prescribed in Paragraph 164(b) of the Sastry Award for the supervisory cadre. Under the General Manager's letter dated 24th January, 1956 the Bank wanted Shri Khandelwal to accept the Bank's new scale of pay and sign the declaration that he had ceased to be a 'workman'. Shri Khandelwal by his letter dated 31st January, 1956 accepted the offer of promotion but did not accept the condition of ceasing to be a 'workman'. The Bank thereupon withdrew the offer of promotion under its letter dated 2nd February, 1956 and reverted Shri Khandelwal to the post of a clerk so as to perform duties of routine clerical nature. His checking and passing powers were withdrawn by the Bank and his Power of Attorney was cancelled under the Bank's circular No. 94, dated 24th March, 1956. Prior to his demotion Shri Khandelwal was entrusted with supervisory duties and functions and his claim for the supervisory allowance under para 164(b) (9) of the Sastry Award has been upheld in an earlier award, dated 15th September, 1960 of this Tribunal in reference I.D. 77 of 1960. Thus prior to his reversion as a clerk Shri Khandelwal had already attained the status of a supervisor and in his letter dated 9th February, 1956 he made it clear that he had accepted the Bank's offer of promotion which could not be subjected to any condition prejudicial to his rights and privileges. The Bank's action thus in withdrawing the offer of promotion and reverting Shri Khandelwal to the clerical cadre, simply because he was not prepared to forego his status as 'workman' and the advantages that he was entitled to under the Sastry Award, is unjust and unlawful and the said action also amounts to unfair labour practice and is designed to deny Shri Khandelwal the special allowance payable under Paragraph 164(b) (9) of the Sastry Award. In the circumstances the main reliefs claimed are:—

- (i) to hold the Bank's action in imposing the condition 'cease to be a workman' in the offer of promotion to Shri Khandelwal and reverting him as a clerk as unjust, *mala fide* and unlawful,
- (ii) to direct the Bank to pay special allowance to Shri Khandelwal at the rate prescribed under Paragraph 164(b) (9) of the Sastry Award with retrospective effect from 1st February, 1956,
- (iii) to restore him to supervisory post with all the benefits of the seniority in that cadre.

4. The State Bank of Jaipur referred to hereinafter as the Bank contends by its written statement that in view of the statutory provision contained in the State Bank of India (Subsidiary Banks) Act, 38 of 1959 no such reference can be made for adjudication and this Tribunal is incompetent to entertain the same. The State Bank of Jaipur was not in existence prior to 1st January, 1960 and Shri Khandelwal on the same day, namely 1st January, 1960 was a clerk and

continues to be so even to-day. Subsequent to 1st January, 1960 no offer of promotion has been made by the Bank to Shri Khandelwal and since 1st January, 1960 onwards he has not been performing duties entitling him to claim the supervisory allowance referred to in Paragraph 164(b) (9) of the Sastry Award. The reference is also bad under the doctrine of laches, inasmuch as no action was taken by the workmen to ventilate any alleged grievances of Shri Khandelwal regarding appointment to the officer cadre until some time in 1960. The reference speaks of justification or otherwise of imposing a condition in the offer of promotion to the officer's cadre but this question can be determined on the basis of the Sastry Award as modified and looking to the provisions thereof there arises no question of the Bank of Jaipur Limited having acted unjustifiably in any way. Before any complaint can be made of prejudicial affection it has to be established that the duties attached to the post to which a workman is sought to be promoted are such as would bring him within the definition of 'workman' as it stood when the modified Sastry Award came into being. If there was no such prejudicial affection, it would be entirely up to the workman whether or not to accept the promotion and the workmen could not be heard to claim the benefits of the Sastry Award as modified when performing duties by reason whereof he ceased to be covered by the definition as it then stood. From its very inception, the Bank of Jaipur Limited had separate scales and grades for officer and it was not as if that Bank created any new officers' cadre under or after any award or decision as alleged on behalf of the workmen. None of the officers of the Bank of Jaipur 'Limited' was covered by the definition of "workman" as it stood when the Sastry Award as modified came into force and that award would apply only to workmen as then defined. The supervisory allowance under the Sastry Award was payable only to a workman and merely because some checking and passing powers were exercised by certain workmen, does not convert them into officers, nor does entitle them to the supervisory allowance. The Bank of Jaipur Limited was justified in withdrawing the offer of promotion since there was no unconditional acceptance of the same on the part of Shri Khandelwal and in doing so none of the provisions of the Sastry Award as modified has been violated. The question, whether Shri Khandelwal's terms and conditions of service as a workman were prejudicially affected would arise for determination only if it was established that the duties attached to his post brought him within the definition of the term 'workman' as it stood when the Sastry Award as modified came into being. Since the post to which he was to be appointed was not, and has not been indicated, no question arose for testing whether the duties of that post brought the incumbent within the definition as it stood at the relevant time. It is therefore futile for the workmen to urge that Shri Khandelwal's terms and conditions of service as a workman would have been prejudicially affected. It is denied that any colourable exercise of power or any unfair labour practice has been indulged in. The Bank thus submits that there exists no case for grant of any of the reliefs prayed for on behalf of Shri Khandelwal.

5. It appears that Shri Khandelwal joined the services of the Bank of Jaipur Limited as a clerk in April 1949 and according to the case advanced on his behalf he was already performing certain supervisory duties since 10th March, 1955 and was also granted power of attorney along with other employees under the Bank's circular No. 88, dated 9th December, 1955, as per Ext. W/1. Sometime thereafter the General Manager of the Bank of Jaipur Limited wrote to him the letter Ext. W/2, dated 24th January, 1956 which reads: I am glad to inform you that we have decided to promote you to the cadre of an officer in the Bank, in the grade of Rs 100—10—200—EB—10—250 plus D.A. of 33-1/3 per cent of the substantive salary with a minimum of Rs. 50/- p.m. PROVIDED it is clearly understood and agreed upon that on your promotion you will cease to be a workman and you will discharge your duties and perform your work with a full sense of responsibility which is traditionally observed by an officer in any institution and you will not take part in any subversive activities prejudicial to the interest of this Bank. On your accepting the post of an officer you will be governed by rules and regulations applicable to the officers of the Bank."

"2. It is expected that you will not only uphold the dignity of the institution but also enhance it by your sincere, loyal, responsible and efficient discharge of your work with maximum speed and accuracy. Should you be willing to accept this offer please inform me or your immediate officer in writing so that necessary adjustment in your salaries and allowances could be made from next month as under:—

| Salary.        | D.A.          | Total.      |
|----------------|---------------|-------------|
| Rs. 130/- P.M. | Rs. 50/- P.M. | Rs. 180/-." |

To this letter Shri Khandelwal gave the reply Ext. W/3, dated 31st January, 1956: "I am very thankful for your letter of the 24th January, 1956. In this connection . . . I would beg to submit as under:—

1. Promotion to a higher grade essentially depends on merit and in case I am considered to be deserving, there can be no option and no room left for me to decline the offer. The question whether I will continue to belong to the category of workman is again not a matter of choice for there are specific directions laid down in the Award as made applicable to my category. Only the type of work, which I would be given after promotion will determine whether I have ceased to belong to the category of workman. I prefer to remain a workman as long as I continue to enjoy that status in terms of the Award."

"2. As regards the proposed grade I wish respectfully to submit that having regard to my qualifications, period of service kept, the work that I am doing in the Bank for the last 11 months, I am eligible for promotion in the grade Rs. 150—10—250 and should thus be fixed at Rs. 150/- to start with, if not in a higher grade. Fixing my salary at Rs 130/- p.m. in the new grade virtually means reducing my emoluments to which I would be eligible in the quite near future."

6. Since Shri Khandelwal was not prepared to unconditionally accept the offer made to him, the management on receiving his reply, Ext. W/3, wrote to him as follows, vide Ext. W/4, dated 2nd February, 1956:—

"With reference to your letter, dated the 31st January, 1956, we have to state that the Bank's letter, dated the 24th January, 1956, set out all terms and conditions of the offer. It appears from your letter that you do not wish to accept the Bank's offer which is now withdrawn."

In answer thereto Shri Khandelwal again wrote to the General Manager of the Bank of Jaipur Limited the letter, dated 9th February, 1956, Ext. W/5: "With reference to your kind letter No. 1089 SELF of the 2nd February, 1956, I beg to submit that in my reply of your letter of the 24th January, 1956, I have in very clear terms accepted the Bank's offer. What I lay stress upon is that only the service conditions already in vogue for the employees of the Bank should be applicable also to me and no acceptance of the new conditions as laid down in your letter of the 24th January need be prerequisite for my promotion. The award of the Labour Appellate Tribunal as enacted by the Union Government is binding both on employers as well as employees; as to the question whether an employee is a workman or officer the award is the only guidance. I again repeat that I have accepted the offer and I would with respect submit that once made it cannot be withdrawn."

7. It is under the aforesaid circumstances that the dispute under the present reference relates to the question "Was the State Bank of Jaipur justified in imposing a condition in the offer of promotion to the officer's cadre made to Shri R. L. Khandelwal in the Bank's letter, dated 24th January, 1956 that on his promotion he would cease to be a workman." Before we proceed to deal with this question on merits, it may be mentioned here that the Bank of Jaipur Limited has since merged into the State Bank of Jaipur which came into existence on 1st January, 1960 and the Bank has raised a preliminary objection that it is not responsible for anything which took place prior to 1st January, 1960 during the time of the Bank of Jaipur Limited. For this purpose the reliance is placed on Section 11(1) of the State Bank of India (Subsidiary Banks) Act, 38 of 1959, which lays down: "Save as otherwise provided in this Act, every employee of an existing bank in the employment of that bank immediately before the appointed day, shall, on and from that day, become an employee of the corresponding new bank and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, gratuity and other matters as he would have held the same on the appointed day, if the undertaking of the existing bank had not been transferred to and vested in the corresponding new bank, and shall continue to do so unless and until his employment in that bank is terminated or until his remuneration or other terms and conditions of service are revised or altered by the corresponding new bank under, or in pursuance of, any law, or in accordance with any provision which, for the time being, governs his services . . . ." If this provision were carefully read and construed, it is difficult to understand how it helps the Bank's case. On the contrary, it goes to safeguard the rights and privileges of the employees under the existing bank as if the undertaking of the existing bank had not been transferred to and vested

in the corresponding new bank. It is not the case here that the existing Bank, namely the Bank of Jaipur Limited, had terminated the services of the concerned workman or that his remuneration or other terms and conditions of service were revised or altered by the corresponding new bank, namely the State Bank of Jaipur under or in pursuance of any law or in accordance with any provision which for the time being governs his services. It is not therefore open to the Bank to deny the liabilities or obligations, if any in respect of the employees of the existing Bank, i.e., the State Bank of Jaipur with respect to the period prior to the date on which the new Bank, namely the State Bank of Jaipur came into existence on 1st January, 1960. If the concerned employees has any case in the instant reference and is entitled to any relief, then certainly the Bank is answerable and cannot deny its liability or responsibility in respect thereof.

8. In order to properly appreciate the true character of the dispute covered under the question referred for adjudication in the instant reference, it has to be borne in mind that when the offer of promotion to the officers' cadre was made to Shri R. L. Khandelwal on 24th January, 1956, according to his own case, he was performing additional duties which would entitle him to the special supervisory allowance provided in Paragraph 164(b)(9) of the Sastry Award as modified. After the offer of promotion made to him was withdrawn, the dispute which he first raised was with respect to the said special allowance as it may be seen from Ext. W/6 along with Ext. W/12. Ext. W/6 is the order of reference made by the Central Government on 25th March, 1960 under which the industrial dispute referred for adjudication was: "whether Shri R. L. Khandelwal of the State Bank of Jaipur by virtue of the duties performed by him during the period 14th March, 1955 to 31st January, 1956, is entitled to any special allowance in terms of Paragraph 164(b) of the Award of the All India Industrial Tribunal (Bank Disputes) as modified, and, if so, under what term?" In the said reference being I.D. No. 77 of 1960, my predecessor Shri E. Krishnamurthi gave an award, dated 15th September, 1960 (Ext. W/12) under which it was found that Shri Khandelwal was doing the duties of a supervisor during the period from 14th March, 1955 to 31st January, 1956, inclusive, and that he is entitled to special allowance for the supervisors, during this period, at the rate applicable to the Bank of Jaipur according to the Sastry Award and as laid down in Paragraph 164(b)(9) of the Sastry Award. Accordingly it was directed that "the Bank of Jaipur shall pay to Shri R. L. Khandelwal special allowance, payable to supervisors, according to the provisions of Paragraph 164(b)(9) of the Sastry Award at the rate applicable to the Bank of Jaipur and for the period between 14th March, 1955 and 31st March, 1956". Under the case now advanced on behalf of Shri Khandelwal, he is alleged to have been performing supervisory duties since 10th March, 1955 and in the earlier award his claim for supervisory allowance has been up-held and allowed for the period from 14th March, 1955 to 31st January, 1956.

9. The Chapter X of the Sastry Award deals with the question of special allowances and it is clear on perusal thereof that the provisions there made for special allowances both in the case of the clerical as well as the subordinate staff has been made in view of the additional work done by them, requiring special skill or responsibility. The nature of the special allowances has been considered by Shri F. Jeejee Bhoy, Presiding Officer of the Central Government Industrial Tribunal, Bombay in Reference (CGIT) No. 23 of 1959. It was a reference made to him for interpretation of Paragraph 164(b)(7) of the Sastry Award in the case of Surendranagar Branch of the Devkaran Nanjee Banking Company Limited, and in para. 10 of the award it has been observed: "The scheme of allowance as given by paragraph 164 is to give allowances appropriate to the additional work and responsibilities of the different categories. For instance, a comptist would normally do work which is little higher than that of the clerk. The head clerk, who supervises the work of other clerks, is given an allowance because of the additional duties and responsibilities; assistant cashiers, above the level of routine clerks, looking after 5 units and above, are given Rs 16; and where the unit is 4 clerks and below an allowance of Rs. 12 is given; then we come to the relevant item 7 which gives cashiers in charge of cash in pay offices Rs. 15. Thus in every one of these cases the allowance is given because of some additional work done and greater responsibility undertaken..." There is no gain-saying the fact, especially in view of the previous award between the parties, that when the offer of promotion to the officer's cadre was made to Shri Khandelwal, he was in the clerical grade performing additional supervisory duties which entitled him to the special supervisory allowance as provided in Paragraph 164(b)(9) of the Sastry Award as modified. The said Award has not been appealed against by the State Bank of Jaipur which was a party to the same and any allegation or stand to the contrary by either side is now

untenable. In deciding the present dispute we have to proceed on the basis that when the offer of promotion was made to Shri Khandelwal, he was nothing better than an employee in the clerical grade performing additional supervisory duties so as to entitle him to the special allowance payable under Paragraph 164(b) (9) of the Sastry Award. It appears from para. 20 of the aforesaid earlier award, Ext. W/12 that a prayer then was made on behalf of the Union that the Bank should be directed to restore Shri Khandelwal to the supervisory post and to continue to pay him supervisory allowance. In this connection the award states "it is clear that this claim is outside the scope of the reference. The reference merely limits the relief to the grant of special allowance for a particular period. In the Bank Award in Paragraph 168 there is a specific provision that the supervisory allowance is to be paid only during such periods as the employees are in charge of that particular kind of work. When according to the workmen, the said duties were withdrawn from 3rd February, 1956 he cannot claim payment of the same for the period he was not discharging the said duties..." Having failed to get this additional relief, as asked for in the previous reference, the same relief is now included under the prayers made in para. 21 of the statement of claim, namely to restore Shri Khandelwal to supervisory post and to award him special allowance at the rate prescribed under Paragraph 164(b) of the Sastry Award with retrospective effect from 1st February, 1956.

10. Shri Parwana on behalf of the workmen argued that it was just about the time of the implementation of the Sastry Award that the offer of promotion was made to Shri Khandelwal on 25th January, 1956 and the underlying object was to deprive the concerned workman of the special supervisory allowance which he would be entitled to under the Sastry Award by imposing a condition that on his promotion he should cease to be a workman. We do not know whether the Bank of Jaipur Limited had really any such object in view in making the offer of promotion, but the fact stands that the offer of promotion was to the officers' cadre and one could not be both an officer and a workman. Shri Khandelwal chose to continue as a workman under the Industrial Disputes Act and not to give up his status as such, very probably finding that he was more to gain from the benefits he would be entitled to under the Sastry Award as modified. It is an undisputed fact that when Shri Khandelwal declined to unconditionally accept the offer of promotion made to him, the other persons junior to him were promoted to the officer's cadre on their acceptance of the condition that they ceased to be workmen under the Act and all of them are being treated as officers not governed by the Sastry Award. Thus it is not in the case of Shri Khandelwal alone that any such condition was sought to be imposed and if he desired to be promoted like the other employees and if it was advantageous to him to do so he should have accepted the offer of promotion as made to him. If he thought that it was to his disadvantage to cease to be a workman and lose the benefit of the Sastry Award it was his own choice. It however cannot be said that the action of the Bank was in any way unjustified in imposing such a condition. Thus in so far as the offer of promotion is concerned, in my opinion, Shri Khandelwal could hardly make any grievance in so far as the condition attached thereto is concerned.

11. In fact his real grievance is quite the different and that is with respect to what took place after the offer of promotion was withdrawn under the Bank of Jaipur's letter, dated 2nd February, 1956. It appears that the Bank since after Shri Khandelwal's aforesaid letter Ext. W/3, dated 31st January, 1956, discontinued giving him any additional supervisory duties, and he began to work like an ordinary clerk. This is what is now described on his behalf as demotion. We were told as if Shri Khandelwal having already attained the supervisory cadre, it was not open to the Bank to relegate him to the post of an ordinary clerk and his original supervisory post should be restored to him. It is difficult to understand what is meant by the 'supervisory cadre' or 'supervisory post' and if Shri Khandelwal was already promoted to any such cadre or post in the sense that he exclusively or essentially performed supervisory duties, he would have ceased to be a "workman" as then defined and gone out of the purview of the Sastry Award. Really speaking looking to the facts of the case and the aforesaid previous award, Shri Khandelwal was in the clerical grade performing additional supervisory duties so as to entitle him to the supervisory allowance under Paragraph 164(b) (9) of the Sastry Award as modified. The position is made clear in Paragraph 8 of the previous award Ext. W/12 itself in these words: "The workman's contention is, that he was not only discharging the duties of a supervisor, but was also promoted to the cadre of supervisor, that however the Bank deprived him of the special allowance and also later wrongfully reverted him as a clerk. It is alleged in the Statement of claim, that the workman was



promoted to the supervisory cadre on 10th March, 1955. It may be noticed, that, according to the scheme of the Sastry Award, there is no provision as such for promotion to the cadre of a supervisor. We have the clerical scale, but for senior clerks, doing a higher type of work, involving higher responsibility and involving an element of supervision, a special allowance is provided in paragraph 164(b)(ix)." Under the previous award so long as he performed the additional supervisory duties, i.e., upto 31st January, 1956, he has been awarded the special supervisory allowance and if thereafter he has ceased to perform any such additional supervisory duties, there hardly arises a claim for any such special allowance for the period from 1st February, 1956 onwards. It is doubtful, if a clerk performing additional supervisory duties is ever to continue to do so as of right in order to earn the special supervisory allowance and it would not be open to the employer to withdraw the performance of such duties at any time. In fact in Paragraph 168 of the Sastry Award which is referred to in para. 20 of the previous award Ext. W/12 between the parties, there is a specific provision that any such special allowance prescribed for the appropriate kind of work is payable only during such period as the workers concerned are in charge of that kind of work.

12. Even otherwise the question, whether the subsequent action of the Bank of Jaipur in depriving Shri Khandelwal of the additional supervisory duties is justified or not, does not constitute the subject-matter of the instant reference. Under the reference as it stands Shri Khandelwal wants promotion to the officer's cadre without any condition being attached thereto, i.e., he should stand promoted to the officer's cadre and at the same time continue to remain a workman enjoying the benefits of the Sastry Award as modified. As said above the other employees so promoted have accepted the offer with a condition attached thereto and have gone out of the purview of the award after ceasing to be workmen within the meaning of the Act. There is no reason why Shri Khandelwal should insist that his case should be treated differently. In any case, if the action of the Bank of Jaipur in depriving him of the additional supervisory duties after the talk of promotion to the officer's cadre fell through, that is a different dispute by itself and, if it were permissible to raise such a dispute, the question for consideration will be as just said above, viz., whether a workman performing additional supervisory duties, is entitled to continue to do so for all the time to come and it is not open to the management to withdraw the performance of such duties at any time. One of the prayers in para. 21 of the statement of claim in the instant reference is "that the Bank's action in imposing the condition of 'cease to be a workman' in the offer of promotion to Shri Khandelwal and reverting him as a clerk on account of his refusal to accept the Bank's condition and forego the advantage of the Award is unjust, *mala fide* and unlawful". The prayer on the face of it goes beyond the terms of reference which do not contain the additional words 'reverting him as a clerk on account of his refusal to accept the Bank's condition and forego the advantages of the Award'.

13. In the circumstances of the case the action of the Bank of Jaipur in making the conditional offer of promotion as was done under its letter, dated 24th January, 1956 cannot be held to be unjustified and Shri Khandelwal is not entitled to any relief in this connection. It may be that Shri Khandelwal is a B.Com., LL.B., with a diploma in banking, but all the same he joined the Bank's service as a clerk and has chosen to continue as such. The Bank wanted to raise him to the officer's cadre but he desired to continue in the clerical grade and reap the benefits of the Sastry Award in the hope that he would continue to get the special supervisory allowance under Paragraph 164(b)(9) of the Sastry Award. He has however ceased to perform any such supervisory duties since 1st February, 1956 and if in the circumstances he has lost the benefit of the special supervisory allowance he has only to thank himself. He may be an officer of the Union but simply for that reason every action of the employer which he does not find to his advantage cannot be treated as amounting to unfair labour practice or victimisation unless the circumstances of the case clearly so warrant.

14. In the result the reference fails and Shri Khandelwal is held entitled to no relief.

(Sixteen pages.)

The 13th August, 1962.

Sd./- P. D. Vyas,  
Central Government Industrial Tribunal,  
Delhi.

## ORDER

New Delhi, the 3rd September 1962

**S.O. 2808.**—Whereas an industrial dispute exists between the employers in relation to the Ruby General Insurance Company Limited and their workmen represented by the Union of Ruby General Insurance Company Workers, Delhi and the Ruby General Insurance Company Workers Association, Delhi (hereinafter referred to as the Unions);

And whereas, the said dispute has not been referred under section 10 of the Industrial Disputes Act, 1947 (14 of 1947), to any Labour Court or Tribunal;

And whereas the said employers and the Unions have under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), referred the said dispute to the arbitration of Shri B. K. Setalvad, by an arbitration agreement and a copy of that agreement has been forwarded to the Central Government by a letter dated the 20th August, 1962;

Now, therefore, in pursuance of sub-section (3) of section 10A of the Industrial Disputes Act, 1947, the Central Government hereby publishes the said arbitration agreement.

## Agreement

(Under section 10A of the Industrial Disputes Act, 1947)

## BETWEEN

## Name of Parties:

**Representing employers.**—Shri C. L. Jain, Branch Manager, Ruby General Insurance Co. Ltd., 21, Daryaganj, Delhi.

**Representing workmen.**—(1) Shri D. C. Gupta, President, and Shri B. L. Purohit, Secretary, Union of Ruby General Insurance Company Workers, 674, Churiwalan, Delhi.

(2) Shri H. P. Garg, President, and Shri R. K. Sharma, Secretary, Ruby General Insurance Company Workers Association, 4648, Sedhu Mall Building, 21, Daryaganj, Delhi.

It is hereby agreed between the parties to refer the following industrial dispute to the sole arbitration of Shri B. K. Setalvad, 'Ullas' Vithalbhai Patel Road, Santa Cruz, Bombay-54:

- |   |  |
|---|--|
| (i) Specific matters in dispute,  | Demands contained in the Charter of Demands submitted by the Union of Ruby General Insurance Co. Workers, Delhi to the Management of Ruby General Insurance Co. Ltd., Delhi on 31-3-1962 |
| (ii) Details to the parties to the dispute including the name and address of the Establishment or undertaking involved. | The Management of Ruby General Insurance Co. Ltd., Delhi and its workmen.<br>Ruby General Insurance Company Ltd., 21, Daryaganj, Delhi.  |
| (iii) Name of the Union, if any, representing the workmen in question,  | (1) Union of Ruby General Insurance Company Workers, and<br>(2) Ruby General Insurance Company Workers Association.  |
| (iv) Total number of the workmen employed in the undertaking affected,  | 29   |
| (v) Estimated number of workmen affected or likely to be affected by the dispute  | 29   |

## Signature of the Parties :

Sd/- C. L. JAIN,  
Branch Manager,  
Ruby General Insurance Company Limited,  
21, Daryaganj, Delhi.

(Representing Employers)

## WITNESS :

Sd/- D. C. GUPTA, Sd - B. L. PUROHIT,  
President, Secretary,

1. Sd/-

Union of Ruby General Insurance Co. Workers, Delhi.

&

2. Sd/-

Sd/- H. P. GARG, Sd - R. K. SHARMA,  
President, Secretary,  
Ruby General Insurance Co. Workers Association, Delhi.  
(Representing Workmen).

THE UNION OF THE RUBY GENERAL INSURANCE CO. WORKERS 674, CHURIWALAN, DELHI

CHARTER OF DEMANDS applicable to the Ruby General Insurance Co. Ltd., employees working in Delhi Division (adopted by the General Body meeting held at Delhi on the 24th March 1962).

All the demands contained herein below shall apply equally to all the employees employed working in Delhi Division.

(1) **Classification of Employees.**—The employees will be classified into the following categories:

- (a) Peons shall be placed in Grade (A).
- (b) Driver shall be placed in Grade (B).
- (c) Assistants including typists shall be placed in Grade (C).
- (d) Head Typists and Stenographers shall be placed in Grade (D).

(2) **Scales of Pay.**—

|         |  |
|---------|--|
| Grade A | Rs. 120—5/6—150—6/7—192—8/6—240 in 19 years.     |
| Grade B | Rs. 180—6/2—192—8/6—240—10/3—270 in 11 years.    |
| Grade C | Rs. 200—10/4—240—15/10—390—20/4—470 in 18 years. |
| Grade D | Rs. 275—15/5—350—20/5—450—25/5—575 in 15 years.  |

(3) **Dearness Allowance.**—D.A. shall be paid at the rate of 1½ per cent of basic pay for every rise of 5 points over the cost of living index figure of 360 (1939—100 points) or 1 per cent of basic pay for every rise of 1 point over the cost of living index figures of 100 (1949—100 points) subject to a minimum of Rs. 20.

All India cost of living index shall be taken as the basis for calculation of the Dearness Allowance.

(4) **Adjustments.**—An employee shall be fitted into the new scales on a point to point basis. The basic pay and Dearness Allowance as on 30-6-1961, shall be treated as basic pay only for the purpose of adjustment of basic pay to the new scale of pay.

Employee who is drawing more basic pay than what is warranted after proper adjustment as above, shall continue to receive the excess amount as Personal Pay and shall also be given annual increment.

(5) **Special Allowance.**—Employees engaged in work mentioned below and/or designated as below shall be entitled to Special Allowance per mensem in addition to their salaries and emoluments in the manner stated below:—

- (a) Bank Peons, Despatch Peons, Head Peon, Franking Machine Operator and such other employees ... Rs. 20 p.m.
- (b) Typist ... Rs. 30 p.m.
- (c) Cashier ... Rs. 30 p.m.

(6) **Special Increments.**—Besides the above, the employees under Grade 'C' and 'D' shall be entitled to Special increments for passing the following examinations on the scale shown against such examination.

On Graduation 2 increments.

On passing the following examinations:

- |                                      |                                |
|--------------------------------------|--------------------------------|
| 1. Licentiate or A.C.I.I.—Part I     | } One increment for each part. |
| 2. A.F.I.I. Part I or ACII—Part II   |                                |
| 3. A.F.I.I. Part II or ACII—Part III |                                |

N.B.—In case of stenographers and Junior Supervisory staff the total number of special increments shall not exceed three during that Grade. A Graduate appointed as an Assistant shall get a higher starting salary by two increments. Those employees and Stenographers not received the Graduation increments shall also get two increments.

(7) **Other Allowances.**—(a) *Overtime Allowance.*—An employee working overtime shall be entitled to 'Overtime allowance' for such period of work rendered at the rate of double the hourly rate of wages inclusive of Special Allowance and all other allowances.

(b) *House Rent Allowance*.—All the employees shall be paid as 'House Rent' a sum at the rate of 10 per cent of their Basic salary per mensem, subject to a minimum Rs. 20.

(c) (1) *Out Door Allowance*.—Workmen sent out by the management for Company's work will be paid actual lunch charged upto to a maximum of Rs. 2 per day besides the actual conveyance charges for which the workmen concerned will submit a bill under their own signatures.

(2) *Out Station Travelling Expenses*.—Travelling expenses and Daily Allowance will be paid on the following scales to workmen who are required to travel on Company's business:—

| Basic Salary per month     | Rate of Allowance per day | Railway Fare Class |
|----------------------------|---------------------------|--------------------|
| Clerks upto Rs. 200/-      |                           |                    |
| Between Rs. 201/- to 300/- | Rs. 10/- per day          | II                 |
| „ Rs. 301/- to 400/-       | Rs. 12/50 „ „             | II                 |
| „ Rs. 401/- and above      | Rs. 15/- „ „              | I                  |
| Drivers and Peons          | Rs. 7/50 „ „              | III                |

(8) *Amenities*.—(i) Text books for ACII or Federation of Insurance Ins. Exam. shall be supplied by the Company in turn. Examination fee shall be paid by the employers after the employee passes the examination.

(ii) Adequate subsidy shall be given for sports, Recreation and Cultural activities of the employees.

(iii) All the employees shall be entitled to a Free Personal Accident (Annual) Policy, the premiums of which shall be borne by the employers. The sum assured of such a policy shall be Rs. 10,000 each. Adequate subsidy shall be given for cheap canteens for supply of wholesome food to the employees in each of the office premises.

9. *Free Medical Aid*.—All the employees shall be entitled to free Medical Aid for selves and their dependents. All the cost of Hospitalisation, Medicines and Doctors' Bill shall be borne by the employer.

10. *Gratuity*.—On retirement, or retrenchment or on death or on total and permanent disability of an employee while in the service of the Company:

One month's basic salary for each year of continuous service subject to a maximum of 20 months' basic salary.

On resignation from service after completion of 5 years continuous service:

One month's basic salary for each year of continuous service subject to a maximum of 20 months' basic salary.

On termination of service by the Company:

One month's basic salary for each completed year of service but not more than 20 months basic salary.

The salary for the purposes of calculating Gratuity shall be the terminal basic salary drawble by the employee previous to death, disablement, retirement, resignation, retrenchment or termination of service as the case may be.

11. *Retirement Age*.—The age of retirement of an employee shall be 60 years.

12. *Provident Fund*.—(i) All permanent employees should be made members of the Provident Fund;

(ii) The rate of contribution should be 8-1/3 per cent and total emoluments, i.e. Basic pay plus Dearness Allowance plus Special Allowances, if any, with equal contribution by the Company. The employees should, however, be allowed to contribute voluntarily upto 15 per cent of their salary without corresponding contribution from the Company;

18. **Allowance during suspension.**—During the suspension of an employee, he shall be paid an allowance equal to 75 per cent of his total wages.

**19. Recruitment.**—Recruitment shall be made from amongst the retrenched employees of the General Insurance Industry, registered in the Pool as demanded in the resolution adopted in the All India Convention of General Insurance Employees held on 15th and 16th August, 1960 in Bombay under the auspices of the All India Insurance Employees' Association. Only in case such employees are not available in the Pool, recruitment might be made through local employment exchange. In case of recruitment from among the retrenched employees, due credit shall be given to the past service and all restrictions regarding age, education, qualifications etc., applicable to new recruits shall be waived.

**20. Confirmation.**—Employees shall be confirmed after 3 months probationary service automatically.

**21. Temporary Staff.**—The Company may employ temporary employees for performing duties of purely temporary nature. But such staff in no instance shall exceed more than 6 months in temporary service, after which he shall be treated automatically in permanent service, from the date of appointment.

**22. Promotion.**—No direct recruitment shall be made in Grade 'D' and all vacancies in the Grades shall be filled by way of promotion. The promotion shall be made on the basis of seniority and qualification of the employees. Employees in Grade 'C' shall be absorbed in Grade 'D' and Employees in Grade 'A' and 'B' shall be absorbed in Grade 'C' on passing S.S.C., S.L.C. or equivalent examinations.

**23. Transfers.**—No employee shall be transferred from one place to another without his written consent and transfer from one department to another department should be based on equivalent basis.

**24. Date of Effect.**—All benefits stated in this Charter of Demands shall have effect from 1st April, 1962.

**25. Trade Union Rights.**—This All India Insurance Employees' Association and its affiliated Units shall be given due recognition and such facilities as providing Trade Union Offices and holding Trade Union Meetings in office premises and hanging Notice Board of the Union should be granted.

**26. Existing Rights and Privileges.**—Nothing contained in this Charter shall adversely affect or take away from any employee or group of employees any right, privileges or usages, practice or conventions, amenities or other conditions of service that are already vested in or enjoyed by such employee or group of employees.

(Sd.) D. C. Gupta

President

Union of Ruby General Ins. Co.  
Workers, Delhi.

(Sd.) P. S. Gaur,  
Secretary,

Union of Ruby General Ins. Co.  
Workers, Delhi.

[No. 74(6)/62-LRIV.]

G. JAGANNATHAN, Under Secy.

*New Delhi, the 31st August 1962*

**S.O. 2809.**—Whereas, in the opinion of the Central Government:—

- (1) the rules of the provident fund of the Iron Ore Mine of M/s. Tata Iron and Steel Co. Ltd., Jamshedpur at Noamundi in the district of Singhbhum (Bihar) (hereinafter referred to as the said establishment), with respect to the rates of contribution are not less favourable to the employees therein than those specified in section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952); and
- (2) the employees in the said establishment are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the Employees' Provident Funds Scheme, 1952, (hereinafter referred to as the said Scheme), in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, hereby exempts the said establishment with effect from the 30th November, 1957 from the operation of all the provisions of the said Scheme

subject to the conditions specified in the Schedule below which are in addition to the conditions mentioned in sub-section (1) of the said section.

#### SCHEDULE

1. The establishment shall have a provident fund scheme in force the rules of which with respect to the rates of contribution shall not be less favourable than those specified in section 6 of the Act and the employees shall also be in enjoyment of other provident fund benefits which on the whole shall not be less favourable to the employees than the benefits provided under the Act or any Scheme in relation to the employees in any other establishment of a similar character and these rules shall be followed in all respects.

2. The employer in relation to the said establishment (hereinafter referred to as the 'employer') shall within three months of the date of publication of this notification, amend the constitution of the provident fund maintained in respect of the establishment in regard to the following matters, namely:—

(a) the provident fund shall vest in a Board of Trustees and there shall be a valid instrument in writing, which adequately safeguards the interests of the employees and such instrument shall be duly registered under section 5 of the Indian Trusts Act, 1882;

(b) the Board of Trustees shall consist of an equal number of representatives of the employees and the employer, and all questions before the Board shall be decided by a majority of votes;

(c) the employer shall nominate one of his representatives on the Board as the Chairman who may exercise a casting vote if so provided under the rules of the establishment. Where a casting vote is exercised or where no casting vote is exercised but the opinion of the representatives is equally divided, the matter shall be referred to the Regional Provident Fund Commissioner or the State Provident Fund Commissioner appointed under the said Scheme (hereinafter referred to as Regional/State Commissioner) within whose jurisdiction the establishment to which the matter relates is situated and whose decision in the matter shall be final.

3. The Provident Fund Rules of the establishment shall not be amended except with the previous approval of the Regional/State Commissioner. Where any amendment affects the interests of the employees, before giving his approval, the Regional/State Commissioner shall give a reasonable opportunity to the employees to explain their point of view.

4. (a) The employer shall maintain accounts of the provident fund in such manner and submit such returns to the Regional/State Commissioner as the Central Provident Fund Commissioner may, from time to time, direct.

(b) The employer shall furnish to the Regional/State Commissioner such accounts relating to the provident fund of the establishment as the Central Provident Fund Commissioner may prescribe from time to time. He shall also furnish an annual statement of account or a Pass Book, in such form as may be approved, to each subscriber who, but for the exemption, would have been member of the Fund established under the Employees' Provident Funds Scheme, 1952.

(c) The employer shall make all investment of accumulations accruing after the date of exemption in securities of the Central Government. The reinvestment or conversion of securities on maturity shall also be in the securities of the Central Government. The employer shall formulate a procedure for prompt investment of provident fund moneys and shall get it approved from the concerned Regional/State Commissioner.

5. The employer shall afford such facilities for inspection of the accounts of the provident fund as the Central Provident Fund Commissioner may from time to time specify.

6. All expenses involved in the administration of the Provident Fund Scheme including the maintenance of accounts, submission of accounts and returns, transfer of accumulations and payment of inspection charges shall be borne by the employer.

7. The employer shall display on the notice-board of his establishment in English, a copy of the approved rules and the translation of salient points of the rules in the language of the majority of workers respectively.

8. The employer shall within 3 months of the date of publication of this notification transfer to the Board of Trustees the accumulations standing to the credit of the employees who but for the exemption would have been members of the Statutory Fund.

9. When the Fund is wound up or exemption of the establishment is cancelled, accumulations standing to the credit of the employees who, but for the exemption, would have been members of the Statutory Fund shall be transferred to that Fund as soon as possible and, in any case not later than 30 days in the case of securities and not later than 10 days in the case of cash in hand or bank, together with a statement or statements as may be required by the Regional/State Commissioner or Commissioner concerned.

10. The employer shall accept the past provident fund accumulations of an employee who is already a member of the Employees Provident Fund or an exempted fund and who obtains employment in his establishment. Such an employee shall immediately be admitted as a member of the establishment's Provident Fund. His accumulations which shall be transferred within 3 months of his joining the establishment shall be credited to his account.

11. The employer shall provide for nomination in his provident fund rules in accordance with the provisions contained in paragraph 61 of the Employees' Provident Funds Scheme, 1952.

12. The amount of contributions shall be calculated to the nearest quarter of a rupee; that is, 12·5 naye paise or more shall be counted as the next higher quarter of a rupee and fractions of a rupee less than 12·5 naye paise shall be ignored. The amounts of inspection charges and damages shall be calculated to the nearest 5 naye paise; that is, 2·5 naye paise or more shall be counted as 5 Naye paise and any amount less than 2·5 naye paise shall be ignored.

13. On all repayable loans granted by the establishment interest shall be charged at the rate of 4½ per cent or 1 per cent above the rate allowed on the balance to the credit of the members whichever is higher.

14. The employer shall pay to the Regional/State Commissioner inspection charges payable, falling which damages shall be paid at a rate fixed by the Central Government from time to time.

15. Exemption granted by this notification is liable to be withdrawn by the Central Provident Fund Commissioner for breach of any of the aforesaid conditions or for any other sufficient cause which may be considered appropriate.

16. The Central Government reserve the right to impose such further conditions as may be deemed necessary in the interests of the employees in the establishment

[No. 11(16)/62-PF.II.]

**S.O. 2810.**—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Sarvashri R. M. Desai, D. D. Deshmone, J. M. Desai, and P. M. Joag to be Inspectors for the whole of the State of Maharashtra for the purposes of the said Act or of any scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 21(6)62-PF.I.]

P. D. GATHA, Under Secy.



New Delhi, the 1st September 1962

**S. O. 2811.**—In exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the factories situate in the areas in the State of Rajasthan mentioned in Schedule appended to this notification, from payment of employers' special contribution leviable under Chapter V-A of the said Act till the enforcement of the provisions of Chapter V of that Act in these areas.

## SCHEDULE

| Sl. No. | Name of District | Name of area | Name of the factory  |
|---------|------------------|--------------|--|
| 1       | 2                | 3            | 4  |
| 1       | Ajmer            | Kishangarh   | 1. M/s. Ganeslh Dal Factory, Kishangarh.<br>2. M/s. Mizdoor Hath Kargha Vastar Utpadak Sehkarī Samity, Kishangarh.<br>3. M/s. Meghwal Hath Kargha Vastar Utpadak Sehkarī Samity, Kishangarh. |
| 2       | Alwar            | Alwar        | M/s. Hira Ice & Oil Company, Alwar.  |
| 3       | Chittorgarh      | Chittorgarh  | M/s. Rajasthan State Electricity Board, Chittorgarh.   |
| 4       | Jaipur           | Mansinghpura | M/s. Sita Ram Jhalane & Co., Mansinghpura.   |
| 5       | Kotah            | Ramganjmandi | M/s. Associated Iron and Steel Industries (P) Ltd., Ramganjmandi.  |
| 6       | Nagaur           | Makrana      | M/s. Shree Ram & Company, Makrana.   |
| 7       | Pali             | Falna        | M/s. Rajasthan State Electricity Board, Falna.   |
|         |                  | Sumerpur     | M/s. Sumerpur Surgical and General Industries, Sumerpur.   |
| 8       | Udaipur          | Bhindar      | M/s. Pioneer Mineral Soap-stone Grinding Mills, Bhindar.   |

[No. HI-6(42)/62.]

P. R. NAYAR, Under Secy.

